



MEMORIAL WITH APPENDICES

To

His Excellency the Right Hon'ble, Lord Irwin of Kirby
Underdale, P.C., G.C.S.I., G.C.I.E., Viceroy and
Governor-General of India

Through

His Excellency Sir William Sinclair Marris, K.C.S.I.,
K.C.I.E., Governor of the United Provinces of
Agra and Oudh

From

His Highness the Maharaja of Benares

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CONTENTS.

	Page
Memorial	1
Supplement to the Memorial	17
Appendices	55-88
I.—Judgment of the High Court, N.-W. P., dated 29th September, 1877, Appellate Jurisdiction, Criminal Side, holding that the Maharaja occupies the place of Government in the Domains	55
II.—Translation of the Sanad granted to Raja Chet Singh, for the Zemindari of Ghazipur, Benares, etc., dated 15th April, 1776	56
III.—Patta granted to Raja Chet Singh, dated 15th April, 1776	57
IV.—Kabuliat or Agreement executed by Raja Chet Singh for the Zemindari of Benares, dated 15th April, 1776	58
V.—Sanad granted to Raja Mahip Narain Singh for the Zemindari of Benares, Ghazipur, Chunar, etc., dated 14th September, 1781	59
VI.—Patta granted to Raja Mahip Narain Singh, dated 14th September, 1781	62
VII.—Kabuliat executed by Raja Mahip Narain Singh, dated 14th September, 1781	62
VIII.—Sanad granted to Raja Udit Narain Singh, dated 30th September, 1796	63
IX.—Sanad granted to Raja Ishari Prasad Narain Singh, dated 20th July, 1835	64
X.—Translation of the Agreement entered into between the Raja of Benares and the British Resident, dated 27th October, 1794	65
XI.—Letter from the Resident at Benares to the Governor-General, dated 25th July, 1794, intimating the Raja's consent to the introduction of the British system of Administration into the Province of Benares with certain exceptions	66
XII.—The constitution framed by Warren Hastings for the Government of Benares	67
XIII.—Memorandum of Statements made by H. E. Lord Northbrook, Viceroy and Governor-General of India, at an interview with His Highness the Maharaja of Benares on the subject of his Memorial to the Government of India, dated the 23rd of November, 1875	69
XIV.—Extracts from the Proceedings of the Government of India, in the Foreign Department, dated 4th October, 1872	70
XV.—Discussions between the Governor-General and the Members of his Council regarding the position and powers of Raja Chet Singh, together with copies of official papers on the subject	71
XVI.—Letter from Commissioner, Benares, to Sudder Board of Revenue, dated 31st October, 1850, giving in detail the origin of the Mulki Treasury and Daftar Sani	71
XVII.—Letter from Secretary of the Sudder Board of Revenue to Secretary to the Government, N.-W. P., dated 22nd November, 1850, submitting the report of the Commissioner for the order of the Government	79
XVIII.—Note, dated 13th December, 1853, by the Junior Member of the Board of Revenue, on the allowance paid to the Raja of Benares under the names of Mulki Treasurer, Daftar and Stationery	80
XIX.—Letter from Secretary, Sudder Board of Revenue to Secretary to Government, N.-W. P., dated 4th August, 1854, asking the Government for the proper designation for the sum paid to the Raja of Benares out of the surplus revenue of the Province	86
XX.—Letter from Secretary to Government, N.-W. P., to Secretary, Sudder Board of Revenue, dated 2nd August, 1854, intimating that the payment be designated "in perpetuity out of the surplus revenue according to article I of the Agreement of October 27th, 1794"	88

To

His Excellency the Right Hon'ble

Lord Irwin of Kirby Underdale,

P.C., G.C.S.I., G.C.I.E.,

Viceroy and Governor-General of India.

Through His Excellency Sir WILLIAM SINCLAIR MARRIS,

K.C.S.I., K.C.I.E.,

Governor of the United Provinces of Agra and Oudh.

May it please Your Excellency,

1. I am moved to submit this representation, for the gracious consideration of Your Excellency, by the circumstances which the recent political changes brought about by the new Government of India Act, as the first instalment of the responsible Government in this country, have given rise to. These changes by revolutionising the system of Government in British India will assuredly affect unfavourably my status and rights in respect of the territories formerly known as the four Sircars of Benares, Chunar, Ghazipur and Jaunpur and which now comprise the present Benares division.

2. These hereditary possessions of my House, held by my forefathers by virtue of a grant from the Emperor Mohammad Shah of Delhi*, confirmed by most solemn pledges by two Nawab-Wazirs of Oudh†, guaranteed no less solemnly by Warren Hastings on behalf of the East India Company‡, reaffirmed "in perpetuity§" by him, later on, by a special Sanad, and at present administered by the British Government in trust§, are in danger of being permanently lost to my line; and passing from our hands into the grasp of those who are rightly my subjects. Such a contingency will not only inflict upon my family an unwarranted slur and an undeserved pecuniary loss, but will also not do credit to the good name of the British Government whose scrupulous regard for its treaties and engagements has always been proverbial.

3. In soliciting the generous attention of Your Excellency to this representation I appeal to the political history of my House which has, for convenience, been given as a supplement to this memorial. This will acquaint Your Excellency, with the various stages of the rise of my family, culminating in the

*The supplement of this memorial, para 3

†The supplement of this memorial, paras 12 and 17 18

‡The supplement of this memorial, para 32

§The supplement of this memorial, paras 54, 55, 56, etc

possession of the above stated four Sircars with full sovereign powers, together with those of its gradual decline to the level of an, almost, ordinary zamindar, when the just British Government once again came to its rescue and put a stop to its farther decline, by granting me, and my House, a permanent and defined status, amongst the Ruling Princes of India, and by transferring a portion of my family domains to my rule.

4. A perusal of this history will show that the first connection of my family with the four Sircars, began in the year 1738 when they were bestowed upon Raja Balwant Singh, the founder of my House, by the Emperor Mohammad Shah of Delhi*. This grant was subsequently confirmed by Nawab Shuja-ud-Daulah, when Oudh became an independent principality, of which the then province of Benares, comprising the four above stated Sircars, was a part†.

* Para 3 of the supplement.

† Para 12(c) of the supplement

5. The entry of the British power into the political arena of Upper India about this time created a critical situation for my family. Benares became a pawn in the hands of the two rival powers, the East India Company and the Oudh‡, and had to acknowledge the suzerainty now of this power, and then of that, as the political exigencies of the time demanded. But these frequent changes did not affect the loyalty and unshaken fidelity of Raja Balwant Singh to the British power, whom he continued to serve and support under all circumstances. At last the suzerainty of Benares finally passed to the British in the year 1775§, when Warren Hastings confirmed Raja Chet Singh, the natural son of Balwant Singh, in the chiefship of Benares (comprising the four Sircars) "with complete and uncontrolled" jurisdiction over it, subject to the payment of a tribute of 22½ lakhs||. Six years later, Chet Singh, as a punishment for his alleged rebellious conduct, was deposed¶ and the "next reversionary heir" of the "reigning family**," Raja Mahip Narain, was appointed "the great Chief of Benares††," in consideration of his "just rights**," by the Governor-General, who presented him with a fresh Sanad (grant), confirming him in the possession of the four Sircars "in perpetuity," with complete jurisdiction over them, and raising the amount of the Company's tribute from 22½ lakhs to 40 lakhs‡‡. And in order to keep the new Raja away from the temptation of following the example of his predecessor, Chet Singh, in repudiating his feudal obligations, "the power of levying forces and erecting and maintaining fortresses§§" was taken out of his hands, as was also the power of mintage and the civil and criminal jurisdiction of the town of Benares|||. In all other respects he was confirmed in the position occupied by his two forebears Rajas Balwant Singh and Chet Singh.

‡ Paras. 12 and 13 of the supplement

§ Para 19 of the supplement

|| Paras 23 and 24 of the supplement

¶ Para. 30 of the supplement.

** Paras. 31 and 32 of the supplement.

†† Aitchison's Treaties, Vol I, p. 71.

‡‡ Para 32 of the supplement

§§ Para 32 of the supplement.

||| Para. 32 of the supplement.

6. Raja Mahip Narain Singh, who was from the beginning of his career a youth of feeble intellect¶¶, became subject to epilepsy*** and never emerged from the state of imbecility that naturally supervened. He was consequently unable to attend to his affairs

¶¶ Para. 36 of the supplement.

*** Para 52(c) and 44 of the supplement.

* Paras 36 and 41 of the supplement.

† Paras. 38 and 42 of the supplement

‡ Para. 43 of the supplement

§ Para. 44 of the supplement

|| Para. 44 of the supplement.

¶ Paras 51, 54 and 55 of the supplement

** Para 79 of the supplement.

†† Para 83 of the supplement

†† Para. 79 of the supplement, also Aitchison's Treaties, Vol. 1, p 74

§§ Para. 75(a) of the supplement.

||| Preambles of Regulations II, V and XV of 1795.

which had to be administered at first by native deputies and ultimately by the British Resident as his "coadjutor," the arrangement being merely temporary and subject to annulment whenever the Raja was found competent to take up the administration†. The Raja's infirmity and imbecility, however, increased with advancing years with a proportionate increase of the Resident's authority in the government of the Benares territory till at length he (the Resident) "became invested almost with supreme powers of control, the authority of the Raja being recognised rather as a matter of courtesy than of fact‡".

7. The supreme authority thus exercised by the Resident, was, however, without any legal justification, and as such he was incompetent to initiate or carry out any measure of reform without the sanction of the Raja who was the *de jure* ruler of the Province§. With the increase of the Raja's imbecility the task of obtaining his consent to such measures gradually became difficult, if not impossible; and as a result the affairs of the country became hopelessly confused and disorganised. The only solution of the difficulty||, if the country was to be saved from utter desolation, lay in making him (the Raja) agree to delegate his authority to the Company's Government in order to enable the latter to act independently of him. The Raja was therefore induced in the year 1794, only a few months before his death, to execute an Agreement, by which he transferred the administration of the four Sircars to the East India Company, retaining his sovereign rights over them¶.

8. This arrangement was essentially of a temporary nature and as such was no doubt salutary. Unfortunately Raja Udit Narain Singh, who next succeeded under a Sanad substantially like that of his father, was only 13** years of age and so the arrangement was prolonged and in time came to be regarded, by the Government, as one which should not be disturbed††. Therefore when Raja Udit Narain arrived at years of discretion, and should have been invested with the powers exercised by his grandfather, Raja Balwant Singh, and recognised in the Sanad granted to his father, and in his own sanad††, he was kept in a state of dependence, which had been unavoidably created by his father's incapacity.

9. The reason of this treatment of Raja Udit Narain Singh appears to be first, that as the Government records of those times were in a most confused state, and the papers relating to the above transaction practically untraceable, the government of the day was quite in ignorance of the real history and status of my House§§; and secondly that Government had in 1795, immediately after Raja Mahip Narain's death, while his successor was still an infant, passed no less than four Regulations for the Province of Benares; and although this was done with the alleged concurrence||| of Raja Mahip Narain, previously obtained, and ostensibly in his interests, yet the length of time during which the adminis-

tration of the four sircars had remained in the hands of Government, had produced a strong disinclination to hand over the territory to the successor of its former ruler. Accordingly when Raja Udit Narain Singh pressed his claims, with vehemence and pertinacity, repudiating the Agreement of 1794*, they received no attention; and in order that they might be effectually silenced a regulation (VII of 1828) was passed which treating the provisional Agreement of Raja Mahip Narain as final, and pronouncing its operation a failure, enacted that the Raja even in his Family Domains, which were not affected by the Agreement, should become almost a cipher†.

* Paras 80 and 81 of the supplement.

† Preamble of Regulation VII of 1828. Also para. 81 of the supplement.

10. Raja Udit Narain died in 1835 and was succeeded by my father Raja Ishwari Prasad Narain Singh‡, at the age of 14. A Sanad was also conferred on him recognising him the "permanent zamindar of the Sircars§," the inhabitants of which were enjoined "to obey his orders||". My father in his turn also prosecuted the family claim, with vigour to be restored to the government of his country, but with no better success, except in so far that the government of Lord Canning recognised his status to be that of a Ruling Prince, by presenting him with the sanad of adoption, which was exclusively meant for the "chiefs that now govern their own Territories¶". This position of the Raja was again reaffirmed by the government of Lord Northbrook**.

‡ Para. 81 of the supplement.

§ Aitchison's Treaties, Vol. I, p. 76. (XXXII), also supplement, para. 85.

|| Aitchison's Treaties, Vol. I, p. 75 (XXXII).

¶ Supplement to this memorial, para. 87.

** Supplement, para. 98.

11. These theoretical recognitions of the position of my House, however, brought no practical benefit in their train, and encroachments upon our rights and privileges, continued to be the rule rather than the exception.

12. The Mutiny of the year 1857 gave my father an opportunity of showing how much stronger than his resentment, was the loyalty of a faithful vassal. On his own initiative, and at his own cost, he kept open the communication between Benares and Agra, then the seat of the Local Government, while furnishing transports and supplies to the troops hurrying to the scene of action, and giving shelter to those in need of it††. Honours reserved for Ruling Chiefs, and consisting *inter alia* of a Grand Commandership of the Star of India and a hereditary salute of 13 guns, were bestowed on my father for his services‡‡, and were received with the deepest gratitude by him. But while on the one hand they raised him in the estimation of the public they served on the other to accentuate the anomaly of his position—a Ruling Chief with no ruling power.

†† Supplement, para. 86.

‡‡ Supplement, para. 87.

13. As time went on, the position of my family became more and more complicated, and a series of encroachments upon our rights and privileges followed in quick succession, until even the provisions of the Agreement of 1794, which were made applicable to my father, under the terms of the Sanad of 1835, and were accepted

as the basis of the relation of my House with the Paramount Power, came gradually to be noticeable more, in their breach, than in their observance; and ultimately the Agreement itself practically ceased to possess any but an academical value. The tendency to ignore the true position of my House, from whatever cause it might have originated, grew apace, till even the Family Domains, which were left unaffected by the Agreement began to be treated as an integral part of British India, in spite of the conferment of the Sanad of adoption upon my father, in recognition of his status as a ruler; and notwithstanding the ruling of the High Court of Judicature of the North-Western Provinces that the Domains did not form part of the ordinary British Territory and my family occupied the place of the Government in that tract*. By the end of the 19th century the position of my House, in spite of the declaration of Lord Northbrook's government to the contrary†, was hardly distinguishable from that of an ordinary zemindar, and had it not been for the payment by the Government of a lakh of rupees per annum, the surplus revenue of the four Sircars, the connection of my House with those Sircars would have been totally lost and confined only to the pages of the ancient history or to the shelves of the archives of the Foreign office record rooms.

* Appendix No. 1.

† Supplement, para 98.

14. When after the death of my father Raja Ishwari Prasad Narain Singh, I succeeded to his title, my position appeared to me to be really intolerable. Not a particle of political power was left to me, and the interference from Government officers even in the administration of the Domains became so great, so frequent and so onerous that it became an almost paramount duty with me, for the very existence of my House as a political unit, to either mend or end the situation‡. I accordingly approached the Government, in the year 1905, with a representation praying for the grant of a defined and permanent status to me and to my House amongst the Ruling Princes. The Government of Lord Minto very generously recognised the justice of my prayers and granted them, by transferring a part of my Family Domains to my rule§, thereby placing me and my posterity under an eternal debt of gratitude and making the bond of attachment of my House to the person and throne of His Majesty stronger, if that was possible.

‡ Paras. 68 and 80 of the supplement.

§ Para. 39 of the supplement.

15. The problem of the status of my House was thus graciously decided by the Government in our favour, but the question of my restoration to the administration of the four Sircars, which were granted to my family "in perpetuity" and from the enjoyment of which my House was deprived for no known reason, was still left undecided. I consequently resolved to appeal to the justice of the Government once again in that respect. But hardly was my representation ready when the Great European War broke out and I did not consider the time appropriate to approach the Government with a statement of my grievances. I therefore waited for a more favourable opportunity. But hardly the din of war was silenced when the fateful declaration of the grant of the

Responsible government to India was announced, as the declared policy of the British Parliament, and the new Government of India Act, as the first instalment of that policy, soon followed.

16. This revolution in the system of the government of this country brought about a critical position for my House, so far as our connection with the four Sircars was concerned. Till now the ownership of British India was vested in the British Parliament as representing the British Nation. But under the newly declared policy it will eventually be transferred to the Indian people. Unless these my hereditary possessions, which are at present administered by the Government in trust for me and my House, are transferred to my administration, there is every danger of their being permanently lost to us, passing from our hands to those of our own *de jure* subjects with incalculable and abiding loss to our prestige, right, privilege and income. This consideration has prompted me to approach Your Excellency with this humble memorial to receive justice at Your Excellency's gracious hands before it is too late.

17. The detailed political history of my House given in the appendix to this memorial will serve to show to Your Excellency that the four Sircars constituting the then province of Benares were granted to my great-grandfather Raja Mahip Narain "in perpetuity*" with full sovereign rights, and complete jurisdiction, in recognition of his just rights as lawful heir of Raja Balwant Singh†. Under the terms of the Sanad and the Patta embodying the conditions of the grant the Raja and his heirs and successors were entitled to remain in full enjoyment of those Sircars as long as they remained faithful to the Crown and mindful of the conditions, and restrictions imposed upon them by the terms of those grants‡. It was no fault of Raja Mahip Narain that he was imbecile and epileptic. God made him what he was. So far as he was concerned, as a loyal vassal of the Crown, he ungrudgingly yielded to the wishes of the Government as regards his administration in any way desired. He acquiesced in the transfer of his authority to the Naibs, to the deputies, and, to the British Resident as his "co-adjutor" without the least murmur; nay more, when he was required to put his seal and signature to an agreement which deprived him of all authority for his life-time, but which, he was assured, was essential for the prosperity and advantage of the four Sircars§, he did not hesitate to comply with it, putting his implicit faith in the Resident "during whose term of office he had scarcely been made sensible of.....any diminution of his authority||."

18. The British Government being the Paramount Power in India and as such responsible for the well being of this country as a whole, was certainly justified in depriving the Raja of his ruling powers in consideration of the state of affairs then obtaining; but as certainly, I would most respectfully urge, there was no justifi-

* Supplement, para 32.

† Supplement, para 31

‡ Aitchison's Treaties, Vol I, p 14

§ Preamble of the Agreement of 1794

|| Supplement, para 52(b).

of their legal and inherited rights when they did not suffer from the physical and mental disabilities of their unfortunate forebear, which was "the one principal cause why our Government had been obliged to interpose further in the management of the district of Benares than otherwise might have happened."

* See Appendix No XI

19. The evil star which presided over the destinies of Raja Mahip Narain did not leave his successors alone. The long period of the minority of Raja Udit Narain, the immediate successor of Raja Mahip Narain, necessitated the continuance of the arrangement of 1794, and his subsequent representation for the annulment of that arrangement, when he attained his majority, was still under consideration when he died, leaving a son of 14 years to succeed him. Another period of minority followed and the old arrangement went on undisturbed, with the result that it gathered further strength. The lapse of time militated against its discontinuance so much so that it is suffered to exist even to the present day with no other sanction than that of prescription. And to make matters worse, if that was possible, my right to the full enjoyment of the profits of the four Sircars, of which I am the permanent owner under the terms of a series of formal Sanads, is denied to me, leaving me contented with a dole of one lakh of rupees out of the crores which these hereditary possessions of mine yield at the present day.

20. In order to fully appreciate the position of my House in respect of the four Sircars it is necessary to carefully examine the contents of the Pattah and Sanad of the year 1781 and of the three succeeding documents by which they may be said to have been modified or supplemented. The circumstances under which Raja Mahip Narain succeeded to his titles will also have to be taken into account.

21. As I have fully discussed in paras. 14, 15, and 21 to 29 of the supplement, the status of Raja Balwant Singh and of his immediate successor Chet Singh was unquestionably that of a sovereign prince, subject to the suzerainty of the Nawab Vizirs of Oudh and afterwards of the East India Company. Their claim to this status was based on the actual fact, as was, and is still, the case with ninety-nine per cent of the Ruling Houses of this country. They were Ruling Princes because they were Ruling Princes and were recognised by their suzerains to be Ruling Princes. Had it not been for the mutiny of Chet Singh and the subsequent trial of Warren Hastings, when the great proconsul had to defend himself at the expense of the ex-Raja, the latter being unrepresented, there would never have arisen the question of the theoretical status of the ruling House of Benares.

22. Be that as it may Rajas Balwant Singh and Chet Singh did practically exercise full rights and privileges of an independent sovereign whatever their theoretical status might have been. The

supreme Governments of their day recognised, their position as such, and their country as a foreign territory*. After the expulsion of Chet Singh Raja Mahip Narain succeeded to the same titles as were enjoyed by his two immediate predecessors Rajas Bulwant Singh and Chet Singh†. His right to succeed as the next "lineal heir" was recognised by the Company's Government‡. He was installed as the "Great Chief of Benares§" by Warren Hastings and invested with a Sanad and a Pattah in the name of the East India Company "from the terms of which in *no instance* shall there *ever* be any deviation or failure||" (the italics are mine). These documents confirmed Raja Mahip Narain and his posterity in the possession of the four Sircars "in perpetuity" with full proprietary rights and jurisdiction over them subject to the payment of a tribute of forty lakhs of rupees minus certain specified deductions¶. If Raja Mahip Narain had not suffered from chronic physical and mental infirmities, the subject matter of the present representation would not have probably come, even, into existence. But as ill-luck would have it he did not prove what was expected of him, and the functions of his office had to be discharged by others in his name and under his seal and signature**. The evils of the dual authority however soon manifested themselves, and the supreme Government as a last resort had to shear the Raja of even the semblance of his ruling powers, which were assumed by that Government, subject to the payment of the surplus revenues of the property to the Raja†† and the continuance of certain privileges indicative of his sovereignty over the four Sircars‡‡. The terms of the Agreement clearly indicate its temporary nature as has been clearly shown in para. 72 of the supplement to this Memorial.

23. The death of Raja Mahip Narain did not mend matters as would have been expected. The minority of his two successors added to the confusion with the result that the arrangement of 1794 had to be continued intact. In order to legalize this procedure the terms of that Agreement (which became inoperative after the death of Raja Mahip Narain) were made applicable to the two succeeding Rajas, individually, by means of special Sanads bestowed upon them at the time of their respective successions§§. The arrangement which had its origin in the mutual agreement of two contracting parties was thus continued under the executive orders of the Supreme Government, presumably because the minor Rajas could not legally enter into Agreements.

24. These sanads, dated the 30th September 1796, and 29th July 1835, bestowed upon my grandfather and father respectively, recognized and reaffirmed, the status of the grantees as that of "the permanent zemindar of the Sirkars" and applied the provisions of the Agreement of 1794 to them, individually in each case|||.

25. I would respectfully invite Your Excellency's gracious attention to the above stated facts as they prove incontestably, (α) that the Agreement of 1794 did not in the least affect the rights of

* Duncan Records, Vol. 1, p. 214 and Vol. 11, pp. 1, 2, 13, 26, 27, 30, 31, 35, 37, 72, 88, 102, 111, 175, 176, 177, etc.

† Supplement, para. 33

‡ Supplement, para. 31

§ Aitchison's Treaties, Vol. I, p. 71.

|| Aitchison's Treaties, Vol. I, p. 64

¶ Aitchison's Treaties, Vol. I, pp. 63-71

** Supplement, para. 36.

†† Article 1 of the Agreement of 1794, Appendix No. X. Also Aitchison's Treaties, Vol. I, p. 72, XXX.

‡‡ Article 2 of the Agreement of 1794, Appendix No. X. Also Aitchison's Treaties, Vol. I, p. 72, XXX.

§§ See the Sanad, Aitchison's Treaties, Vol. I, p. 74 (XXXI) and p. 76 (XXXII) also appendices VIII and IX to this memorial.

||| Ibid

my family in the four Sircars created by the Sanad of 1781; and (b) that that Agreement was not a final and permanent arrangement and was meant to be effective only during the life-time of Raja Mahip Narain and had to be made applicable, under the executive orders of the Paramount Power, to his two successors, and individually in each case, owing apparently to their minority.

26. Prior to the assumption of the title of the "Empress of India" by Her Majesty the Queen Victoria, of Blessed memory, there was no fixed policy regulating the relation of the Supreme Government with its subordinate allies and feudatories in India. It was left to the Viceroy for the time being to enunciate his own policy in dealing with them. As a consequence this policy underwent remarkable changes with each change in the viceroyalty. In any case there was a strong reluctance to hand over a territory to its original Ruler, once it passed into British hands, apparently on the ground that the standards established by British administration could not be maintained.

27. The year 1877 however brought about a very desirable change in this direction. The new policy of confidence and good will was proclaimed by Lord Lytton in the Imperial Darbar. The Indian Princes were recognised as colleagues of the Imperial Government, and were taken into the confidence of that Government by being appointed its counsellors. And as a practical proof of that policy the great historical event of the rendition of Mysore took place shortly after, which brought home to the minds of the Indian Rulers, with irresistible force, the sense of justice and fair play of the British nation and made the tie of their attachment to the British Throne indissolubly firm, and everlasting.

28. The success of this great, and bold, experiment was soon manifest and universally acknowledged, so much so that it was repeated in my own case by the government of Lord Minto; and I humbly venture to hope with no bad results.

29. The continuance of the British administration in the four Sircars after the death of Raja Mahip Narain Singh was no doubt necessitated by the minority of the two successors of that Raja; but after they attained their majority it was clearly due to the then existing prejudice against native rulers, and to the natural disinclination inherent in every government to disturb an established arrangement which had worked well. But justice should override all such considerations; and now that the policy of suspicion and mistrust does not hold ground and the success of the experiment of the restoration of territories to their rightful owners has been well established, I would naturally expect to receive justice at Your Excellency's gracious hands, more especially as it will not go against practical politics.

30. As referred to above, and fully discussed in paras. 21—29 of the supplement, I hope, I have succeeded in convincing Your Excellency, that the four Sircars, to the rulership of which Raja

Mahip Narain succeeded, were not part of British India and were admittedly a foreign territory*. "Once a Native State always a Native State" is a well recognised maxim. If the four Sircars comprised a Native State: they, or any part of them, cannot cease to be such unless surrendered, conquered, or confiscated. Through the grace of God none of these contingencies has ever taken place in respect of these Sircars, and their position under the British Government at the present moment is unmistakably that of a Native State being administered in trust by the British Government. If I am correct in this supposition, and if through my good fortune Your Excellency is also pleased to take that view of the question, there ought to be no legal difficulty in their being transferred to my rule.

* Para. 93 of the supplement

† See Warner's *Princ. of India*, p. 15 para 15.

31. As to there being any political difficulty, I would, humbly, submit that the transfer of the four Sircars to my rule is not likely to be objected to by the people concerned; and if the question is finally decided in my favour, it will be my first concern to see that the popular voice is raised in my behalf, and I assure Your Excellency that I have very good reasons to expect it. As to the apprehension that the transfer might affect the exchequer of the Imperial and Provincial governments I would respectfully urge that the actual result will be just the other way. As matters stand at present, the Provincial Government hardly saves any thing from the income derived from the four Sircars after meeting the administrative charges. But in case these are transferred to me, the Government shall have to expend nothing over them, and on the other hand shall receive from me annually the large sum of 40 lakhs of rupees, which I shall have to pay in the shape of tribute. Both the Imperial and Provincial governments will thus be gainers rather than losers over the transaction. ~

32. The Agreement of 1794 is the turning point in the history of my House. I have therefore taken the liberty to discuss it at some length in the supplement in order to prove its temporary nature, and I earnestly hope that I have succeeded in convincing Your Excellency on that point. But if, unfortunately for me, Your Excellency is not pleased to take that view of this fateful document, and regards it as a final and permanent arrangement, I would, most respectfully, urge that in that case its provisions should be strictly followed both in letter and in spirit, which will not be possible if the new Government of India Act is made applicable to the four Sircars along with the rest of the British India.

33. As stated in detail in para. 55 of the supplement, the fundamental basis and intention of the Agreement of 1794 was that the administration of justice "which had hitherto remained in the hands of natives" should be conducted by "English gentlemen," and that "there should also be appointed a Collector, being in like manner a British subject for the realisation of revenue," (clearly meaning a "European British subject" and not an "Indian British subject" as the phrase, "in like manner," unmistakably indicates).

34. But recently the Government of India Act of 1919 (9 and 10 Geo. V., Ch. 101) has been passed. The preamble states:—
 “Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian Administration, and for the gradual development of self-governing institutions, with a view to the progressive realisation of responsible Government in British India as an integral part of the Empire;.....and whereas concurrently with the gradual development of self-governing institutions in the provinces of India it is expedient to give to those provinces in provincial matters, the largest measure of independence of the Government of India,” etc.,

35. It is not my intention to criticise or make any comments upon the policy embodied in the preamble quoted above, but I should like to invite Your Excellency's attention to the implications of that policy. The whole basis of the agreement of 1794 was that the administration of justice, which was until then in the hands of “natives” shall be conducted by “English gentlemen,” and that there shall be separately appointed a “Collector being in like manner a British subject for the realisation of the revenue, whilst the duties of the Court of Appeal are to be conducted under similar regulations as are provided to that effect in Bengal, and for as much as to support all these establishments will occasion to the Hon'ble Company an increase of expense.” That basis has now changed and may undergo in course of time, still more radical changes. Should the new policy be given effect to in its entirety it is by no means difficult to foresee a time when there may be no English administrators of justice, or Collectors of revenue in the four Sircars. There will then be, having regard to the essential terms of the Agreement of 1794 no justification for the continuance of the arrangement effected by that agreement. It is impossible to believe that the changes effected by the new policy could have been within the contemplation of the parties to the Agreement of 1794, that is to say, either the East India Company or Raja Mahip Narain Singh; and it would not be fair to assume that Raja Mahip Narain Singh (even if he was capable of giving an intelligent assent) gave his assent to the continuance of that Agreement in circumstances wholly different from those in which it was arrived at between the parties. Another necessary consequence of the new policy of the Government embodied in the preamble is, and will be in a greater measure in the future, that persons who would otherwise be my subjects and who would consequently owe me their loyalty and allegiance, can get their names enrolled on the various registers of voters, and not only vote for and elect a representative to the local legislature of the United Provinces, but seek election themselves, and if elected can pass, or assist in passing, legislation in a foreign legislature, over which I have no control, and in which I have no voice, affecting my territories, revenues and rights. For, the position is this, that while under the agreement my rights in those territories as a sovereign still continue to exist, the subjects residing in those territories enjoy higher power than myself, in so far as

they enjoy the power of legislation which is denied to me by the existing state of things.

36. In narrating the political history of my House in the supplement to this memorial, I have shown in detail by what steps the prerogatives and rights of an ancestor of mine, which had been solemnly guaranteed, were taken away. I have also stated that more was to follow. I will presently trace in its more important steps, how those rights were gradually and openly encroached upon in breach of solemn obligations to the contrary. My immediate concern is with the Agreement of 27th October 1794 and the subsequent events. That Agreement preserved for my House some shadow of sovereign rights and status. It created mutual obligations of an ethical character, which it was none the less the duty of the parties to carry out honourably to the letter and in the spirit, with the most scrupulous regard. Whilst it would be difficult to point to a single or definite act of the Government as by itself encroaching upon the fragmentary rights which my ancestors enjoyed immediately after the Agreement of 1794 was made, it is apparent that by a process of gradual corrosion those rights have invisibly disappeared, until to-day I am a mere stranger in the four Sircars over which my ancestors ruled, and in which, even after the Agreement of 1794, Raja Mahip Narain Singh enjoyed at any rate some degree of apparent authority.

37. A reference to para. 114 of the supplement of this Memorial, in which I have summarised the history of my House, will serve to acquaint Your Excellency with the various stages of, what I may be pardoned for describing as, the decline and fall of my family, from the high state and dignity they occupied, of being the allies of the British Government, and the rulers of the four Sircars, to the position of strangers in those territories. The members of my family scarcely deserved such an ignominious fate. When I gaze upon the fair lands where my ancestors once ruled, and contemplate that the moment I put foot within their boundaries, I, the descendant of those rulers, am a foreigner upon a foreign soil, my heart is filled with humiliation and misgiving. But I am not without hope that the pledges solemnly given by the great British Government, that the members of my family should be "left in free and full control of the internal government of the country*," shall be recognised, and faithfully carried out, and that in my declining years, of which not many can now remain I shall have the satisfaction of being restored to the proud position of my ancestors as the Ruler of the four Sircars. The loyal and faithful services of my family, under all circumstances, would, I venture to hope, be considered deserving of gracious justice. My ancestors have at all times been loyal to the British Crown and have on numerous occasions proved their allegiance towards the Paramount Power by unreservedly placing at its disposal all their resources of men, arms, and money, in the hour of its need, both in India and overseas.

* Para. 25 of the supplement

38. The loyalty of the Indian Princes, and their willingness to place their resources at the disposal of the Paramount Power, has stood many acid tests in the past, and speaking for myself and my House, I can only say with confidence, that should a time arrive when the Paramount Power may consider it necessary to make the same call upon my resources which it did in the early days of its rule in relation to my ancestors, and also many a time since then, I and my heirs and successors will discharge those obligations with the same ardour and zeal as has always characterised my family. I feel that if my request is conceded the Paramount Power will only be enabling me to discharge those obligations even more effectively.

39. As an alternative to my claim for the revision of the Agreement of 27th October 1794, and the restoration to me and to my House of ruling powers in the four Sircars, I desire to press another claim of a material nature to which I have already alluded, namely, to the surplus revenues of the four Sircars, recognising that the British Government has the first claim to 40 lakhs of rupees out of the revenues. I would point out that the entire revenues of the province were the exclusive property of my ancestors, and indeed the "Constitution" of 1784 expressly provided that the surplus revenue should be "appropriated to the private expenses of the Raja" and as a fund for certain extraordinary and specific expenses of the zemindari. Then came the Agreement of 1794. It stated that the establishments about to be created by the new system would occasion the Company's Government an increase of expense, that the revenues of the four Sircars also showed 'a prospect of increase, that the new charges upon the revenue should be solely incurred for the prosperity and advantage of the four Sircars, and that the object in view was to provide for those charges. The British Government expressly undertook to spend the "remaining surplus" annually "in this district" for certain specified services. I would point out that the revenues, which unquestionably belonged to my ancestors, have never been assigned or divested by them, and in justice they belong to me. I respectfully submit that the spending of any part of the revenues of the four Sircars, otherwise than within those Sircars, and for their benefit, is a procedure which is wholly unjustified. For many years the surplus revenues, have been diverted from the four Sircars into the general revenues of the United Provinces. I respectfully submit that the Government are trustees of these revenues for me, and that I am entitled upon a true view of the original compact in all fairness to recover all the past and future surplus revenues of the four Sircars for my use, so that they may be applied to the general administration and benefit of the present State of Benares over which I have now the privilege to rule.

40. The fixing of Raja Mahip Narain's share of the surplus revenues at one lakh of rupees was not a permanent arrangement

and was arrived at in consideration of the then "existing" financial funds of the country," which did not admit of a greater surplus than one lakh and forty thousand of rupees, out of which it was not possible to guarantee the payment of any sum more than a lakh of rupees "without full." If the resources of the four Sircars now show a greater surplus after meeting all administration and improvement charges and payment of the stipulated tribute of forty lakhs I respectfully submit that I am entitled to its enjoyment, being the "permanent zemindar" and undisputed proprietor of the territories comprised in them. The four sircars were granted to my family in perpetuity in 1781, and their administration was taken over in 1794 by the British Government owing to the incapacity of the then proprietor to manage them, just as the courts of ward assume the management of the property of disqualified proprietors in the present day. This taking over of the management cannot affect the rights of my family created by the original grant in any the least manner. The sum of Rs. one lakh paid to Raja Mahip Naram and to his successors is admittedly of the nature of an allowance paid to a disqualified or minor proprietor by the Court of Wards out of the profits of his property. If at the time of the taking over the charge of the property its encumbered condition did not admit of the payment of a larger allowance than one lakh, surely there should be no justification in keeping the allowance to the same figure when the condition of the property is improved and the surpluses have increased manifold.

"Duncan Records, Vol. I, p. 24."

"Article I, of the Agreement of 1794, Nicholson's Treaties, Vol. I, p. 73"

41. The question of the real status of the Benares House as regards the four Sircars has no bearing whatever on their right to enjoy the surplus revenues of those Sircars in full. If, unfortunately, their position is not recognised to be that of an independent, or even of a semi-independent sovereign in their respect, they have still the undisputed right to be recognised their permanent proprietor zemindar, as has been clearly admitted in the terms of the Sanads of 1781, 1795 and 1835. In either case I would respectfully urge that their right to enjoy the full profit of their property ought to be undisputably admitted, and there ought to be no bar whatever to their enjoyment of the surplus revenues of the four Sircars in full, after meeting all administration charges.

42. From the foregoing considerations, it will have appeared that the prayers contained in this representation divide themselves under three alternative heads, namely.—

to avoid the Agreement of 27th October 1794, or to have it revised, with a view to the restitution of my ruling powers in the four Sircars. In other words, I seek a return to the *status quo ante* the Agreement. If this be not possible, I am anxious that the terms of

rights and privileges as it secured to my House should be restored to me without the subsequent encroachments which have been made upon them.

(iii) To recover all past and future surplus revenues which have not been spent, or are not in future spent within the four Sircars, in strict accordance with the terms of that Agreement.

43. As regards the first of these prayers I submit that the time has come for the restoration of the four Sircars and the administration of the territory embraced in them to me as the Ruler of the State of Benares. The moral and material progress of the Family Domains, since their transfer to my rule, their complete immunity from communal and religious disturbances; the prosperity and contentment of their inhabitants, whether Hindus or Mahomedans, to which every British Officer can testify, all go to guarantee that the welfare of the districts and of their inhabitants is not likely to suffer the least diminution by reason of the rule being restored to me.

44. It has always been my policy to build my administration upon the British model. Any reforms introduced in British Indian administration have invariably been followed, and in many cases have been anticipated, by similar reforms in my State. The fact of my being in close personal touch with my people, and the comparative compactness and smallness of my territories compared with those of British India, place me in a position of no small advantage to govern them with success. The beneficial results that have followed the rendition of Mysore to the former rulers of that State will afford another living example to the Government in this respect, if need were.

45. If, however, it is apprehended that the restoration of my rule will adversely affect private existing rights created by statutes of the British Indian Legislature, such apprehensions can be set at rest, and these rights safe-guarded, by the introduction of a clause similar to that contained in the present Instruments of Transfer in my favour, that such statutes should remain in force, and not be repealed, or in any way modified, without the sanction of the Paramount Power.

46. With this end I would solicit the appointment of a commission to hold an enquiry into the facts and circumstances I have set forth or indicated, and to ascertain how my prayers may be usefully granted, permission being given me to assist the commission through a qualified representative. Twice before*, the Government have been pleased to appoint commissions to report upon the representations of my grandfather, concerning matters far less important than the subject of this Memorial; and I have relied upon those precedents in making this prayer. It is not possible to bring in every conceivable argument in a memorial however

* 1826 and 1830.

See Letter from the Secretary to the Governor-General to W. W. Bird, Esq., dated 16th November 1826. Also letter from the Secretary to the Governor-General to Messrs. Pakenham, W. Kane and W. H. Macnaghten, dated the 19th of November 1830.

detailed it might be, as no one can foresee or anticipate any new point which might arise in the course of its consideration. The Commission will be able to sift all points and give me an opportunity to explain any new point which may admit of an explanation.

47. I conclude my Memorial with the fervent hope that justice shall be done to my claims in the four Sircars, as it has eventually been done in the Family Domains so that with the increase of my jurisdiction and influence, my power to serve the King-Emperor and the British Government may be proportionately increased.

I have the honor, to be
Your Excellency's most obedient servant,

DATED FORT RAMNAGAR ;	} <i>Maharaja of Benares.</i>
<i>The</i> 1926	

SUPPLEMENT.

The Political History of the Rajas of Benares with notes.

1. The Kingdom of Benares under its Hindu rulers existed from time immemorial, and finds mention in the Hindu and Buddhist literature. It was conquered by Sahab-ud-din Ghori, and became part of the Mahomedan Empire as a separate Province.

* *Am Akbari*, Vol. II, Jurett's Translation

2. The Emperor Akbar divided his Empire into fifteen Subas, or Provinces, in the sixteenth century, and included the State of Benares in the Suba of Allahabad*. In the seventeenth century the Emperor Aurangzeb included Benares in the Suba of Oudh. Nevertheless, Benares was always regarded as a distinct State within the Suba, with a capital of its own, the City of Benares.

† Tupper's *Our Indian Pro-
tectorate*, p. 191, and Warren
Hastings, defence (*Indian
Courier Extraordinary*, Vol.
I, p. 255)

3. In the eighteenth century the power of the Moghal Emperors rapidly declined after the death of Aurangzeb, and enterprising Chiefs carved out little States for themselves and founded ruling families. The ancient ruling family of Benares having been then extinct, Raja' Mansa Ram, a zamindar of Gangapur in the district of Benares, obtained a Saal from the Emperor Muhammad Shah of Delhi in 1738, in the name of his son Balwant Singh, as well as the title of Raja. The Imperial Sanad appointed Balwant Singh Governor and zamindar (a term which in those days meant the Chief of a Province†) of the Four Sircars [districts] of Benares, Chunar (now Mirzapur), Jaunpur and Ghazipur (now Ghazipur and Ballia) on payment of an annual tribute of about twenty lakhs of rupees. Balwant Singh was also invested with ruling powers defined in the Sanad.

4. Mansa Ram died in 1740, and Balwant Singh became the virtual ruler of the State of Benares, which the Imperial grant had already vested in him in his father's life-time. Nevertheless he obtained a new Sanad from the Emperor of Delhi, confirming him as ruler of that State, and fixing the tribute at about twenty lakhs of rupees as in his father's life-time.

‡ Bengal Secret Consulta-
tions, dated 13th February
1775. (Report from Commit-
tees of the House of Commons,
Vol. V, East Indies, 1781,
1782, p. 454, cols. 1 and 2,) also letter from the Gover-
nor to Raja Chet Singh
(No. 7 *Ibid*)

5. At that time the State of Benares was entirely independent of the State of Oudh. For, when Mansa Ram was appointed Governor of Benares by the Emperor of Delhi, Saadat Khan, the ruler of Oudh, had no claim on Benares. Balwant Singh succeeded Mansa Ram at Benares; and Safdar Jung succeeded Saadat Khan in Oudh. When the Emperor Muhammad Shah died in 1748, his successor Ahmad Shah, made Safdar Jang of Oudh the Vazir (minister) of the Empire. And it was under this vague and shadowy title that the ruler of Oudh first endeavoured to bring the State of Benares under his power and subjection‡. The fort of Chunar was wrested away by the Vazir, but Balwant Singh succeeded in maintaining his independence in the rest of the State, he had inherited from his father.

6. Safdar Jang died in 1753 and was succeeded in Oudh by Shuja-ud-Daulah, who also endeavoured to destroy the independent position of Balwant Singh. The latter resisted and built the fortress of Ramnagar, opposite to the City of Benares.

7. The Emperor Ahmad Shah was succeeded by Alamgir II in 1754, and his son, well known in English History as Shah Alam, joined the ruler of Oudh, with the object of conquering Bengal, which was then ruled by Nawab Mir Jafar, with the support of the British. Accordingly Shuja-ud-Daulah and Shah Alam advanced with a large army to Patna in 1759. The attempt failed, but was renewed in subsequent years.

8. It was on this occasion that Raja Balwant Singh of Benares first came into contact with the British Power. Negotiations* for an alliance between Balwant Singh of Benares and Mir Jafar of Bengal had been on foot for some time. Major Carnac, the Commander of the British Forces, referred to the proposed alliance with Balwant Singh, and asked for orders. The British Government accordingly passed the following Resolution on March 29th, 1746, which was conveyed to Major Carnac with a letter of instruction on the same date :—

* Bengal Secret Consultations of 29th March, 1746 (Report from the Committee of the House of Commons, Vol. V, p. 117, col. 2)

“ Having duly considered the letter of Major Carnac, we are unanimously of opinion that, as Shuja-ud-Daulah having openly avowed his designs of aiding Kasim Ali Khan in invading Bengal, it is our duty to form against him all the enemies we possibly can; that the proposed alliance with Balwant Singh will, therefore, be a very proper measure, and prove as well now, as in all time to come, a strong barrier and defence of the Bengal Provinces. Agreed, therefore, that we write to Major Carnac advising him that we shall approve entirely of his entering into the intended treaty in concert with the Nawab Mir Jafar, and of his engaging to protect and maintain Balwant Singh *independent* both now and hereafter.” (The italics are mine.)

† Bengal Secret Consultations of 29th March, 1761 (Report of the Committee of the House of Commons, Vol. V, p. 118, col. 1.)

9. It will be seen from the above extract that in 1761 the British Government regarded the house of Benares as an independent power, and proposed to enter into a treaty with that power, undertaking to protect and maintain its independence for all time. The great power of Oudh, however, threatened that independence, and the title of Vazir of the Empire which Shuja-ud-Daulah enjoyed, gave him a pretext for claiming suzerainty over the State of Benares. Balwant Singh himself felt that he held his territory under the nominal suzerainty of Oudh, and he was willing to exchange it for the suzerainty of the East India Company, and asked Raja Shitab Roy of Patna to negotiate for him‡.

10. Very important help was rendered to the British troops by Raja Balwant Singh during this year, 1764, and was acknowledged in handsome terms by the Court of Directors§.

‡ Bengal Secret Consultations of 21st November, 1764. (Ibid. p. 140, col. 1.)

11. Shah Alam had now become Emperor by the death of his father, and he separated himself from Shuja-ud-Daulah, and joined the British Camp. An arrangement was made with him on December 29th, 1764, by which the suzerainty of the State of Benares was transferred from Oudh to the East India Company||.

§ Indian Courier Extraordinary Proceedings relative to Warren Hastings. Vol. I, p. 37 (11).

12. But this arrangement was not approved of by the Home Authorities, and was therefore altered in the following year¶. Lucknow and Allahabad were taken by British troops in 1765, and when Lord Clive returned from England in the same year, he concluded the famous arrangement, by which the Emperor Shah Alam bestowed the Dewani of Bengal, Behar and Orissa on the East India Company, Oudh was restored to Shuja-ud-Daulah, but Allahabad and Kora were reserved for the Emperor. The suzerainty of the State of Benares was once more restored to Oudh but every precaution was taken to maintain its integrity and separate entity, under its own Raja as before**.

¶ Bengal Secret Consultations of 1th December 1764. (Report from Committee of the House of Commons, Vol. V, pp. 419, 450, cols. 2 and 1 respectively). Also Aitchison's Treaties, Vol. I, p. 51.

¶ Aitchison's Treaties, Vol. I, p. 54. And Reports from Committee of the House of Commons, Vol. V, p. 451, col. 2

12a. “ His Highness Shuja-ud-Daulah engages in the most solemn manner,” so runs Article 5 of the Treaty of August 16th, 1765, “ to continue Balwant Singh in the Zamindaries of Benares, Ghazipur and all those districts he possessed at the time he came over the late Nawab Jaffar Ali Khan and the English††.

** Aitchison's Treaties, Vol. I, p. 54, and Report from Committee of the House of Commons, Vol. V, p. 451, col. 2

13. In thus providing for the future security of Raja Balwant Singh, the Governor-General recognised the claims of the Raja on the British Government; for “ signal and important services rendered by him to the

†† Aitchison's Treaties, Vol. I, p. 50, and Report from Committee of the House of Commons, Vol. V, pp. 451-2, cols. 2 and 1, respectively.

Indian Council Extraordinary Proceedings relative to Warren Hastings, Vol. I, p. 57 (H).

† Letter from the Court of Directors to Bengal, dated 26th May 1768.

‡ As in the case of the Rajas of Tanjore and Trichinopoly and the Punjab Hill States (Pupper's Our Indian Protectorate, p. 191) Also the Rajas of Koch Behar and Bhaynagar (Nitchison's Treaties, relating to these states).

§ Hyderabad.

¶ Palanpur.

‡ Gondal, Limbdi, Morvi and other Kathiwar Chiefs.

** Report from the Committees of House of Commons, Vol. V, p. 491, col. 1. Also Parliamentary Collections, Vol. 357, pp. 1065-1068 D. O. 16(A).

affairs and interest of Great Britain." And the Directors of the East India Company in approving of Lord Clive's arrangement, expressed their satisfaction at the care which had been taken of all who had served the British cause, "specially of Raja Balwant Singh whose joining us at the time he did was of signal service†." During the remaining years of his life Raja Balwant Singh received the protection of the British against all invasions of his rights and property by Shuja-ud-Daulah, and he died in August 1770, leaving the State of Benares in a flourishing and prosperous condition.

14. I have dwelt at some length on the history of Raja Balwant Singh, because his status has been the subject of endless controversies since. The status of Chiefs who rose to power in India in the first half of the eighteenth century, was never precisely defined at the time, and founders of ruling houses, who carved principalities for themselves out of the decaying Empire by their own might and enterprise, were often content with the humble title of Zamindar‡, Nizam§, Diwan¶, or Thakur¶ in the Samuds they secured from the nominal Emperors. That Balwant Singh exercised ruling powers within his own State from the very commencement is patent in every document of the times. Vested with such powers originally by the Emperor of Delhi, he was subordinate to no other power in India when he succeeded his father. But when the ruler of Oudh was made Vazir of the Empire he obtained some right to levy the tribute from Benares for the Empire. As the Emperor's power declined and the power of Oudh increased, this tribute was *de facto* paid to Oudh, and not to the Empire, and the State of Benares thus became subordinate to Oudh. But this subordination was merely nominal**. The Raja was practically independent of the Vazir in the administration of his territories. By the treaty of 1764 Benares was taken out of Oudh and made subordinate to the British. By the treaty of 1765 Benares was once more placed under the suzerainty of Oudh. But throughout these transactions every possible precaution was taken to maintain its integrity and its virtual independence.

15. James Mill, the historian of British India, sums up the history of Raja Balwant Singh in these words:—

"In 1764, when the war broke out between the English and the Subadar of Oudh, Balwant Singh was Raja of Benares and, excepting the payment of an annual tribute, was almost independent of that grasping Chief who meditated the reduction of Benares to the same species of dominion which he exercised over the provinces of Oudh. The Raja would gladly have seen the authority of the English substituted in Oudh for that of the Vazir, whom he had so much occasion to dread. He offered to assist them with his forces, and to anticipate all jealousy, from the idea of his aiming at independence, expressed his willingness to hold his country subject to the same obligations under them as it had sustained in the case of the Nawab, and so highly important was the service which he rendered to the Company, that the Directors expressed their sense of it in the strongest terms. When peace was concluded, the Raja was secured from the effects of the Nawab's resentment and revenge by an express article in the treaty upon which the English insisted, and the guarantee of which they solemnly undertook††."

†† Mill's History of British India, Book V, Chapter 7.

16. It is needless to refer here to other authorities; but I believe I am correct in stating that all contemporaneous records and documents, however much they differ in defining the exact legal status of Raja Balwant Singh, nevertheless, agree in recognising him as a *de facto* ruling Chief in his own State, subject to the payment of a tribute.

26. The above facts establish beyond the shadow of a doubt that the use of Raja Chet Singh at the time of the transfer of his territories to the suzerainty of the British Government, was that of an independent, or at the least, of a semi-independent ruling sovereign*.

27. It would, perhaps, be convenient here to point out that sovereignty, which indicates an assemblage of separate attributes, such as the right to make war or peace, to administer civil and criminal jurisdiction, to negotiate treaties, to legislate, to mint, to impose tariffs, and so forth, is regarded by leading jurists as being divisible. Sir Henry Maine says that "a Sovereign who possesses the whole of these rights is called an independent sovereign, but there is not, nor has there been, in international law anything to prevent any of these rights being lodged with one possessor and some with another; sovereignty has always been regarded as divisible." Indeed, history abounds with instances of semi-sovereign States, either in subordinate alliance with, or under the suzerainty of the paramount British Power.

28. The nature and attributes of sovereignty have frequently formed a subject of discussion in English Courts. In the well-known case of *Uthman versus the Gaekwar of Baroda*, 1912, Probate Division, (page 92), Justice Baggallay thus lays down the law:—"Suzerainty is a term applied to certain international relations between the two sovereign States whereby one, whilst retaining a more or less limited sovereignty, acknowledges the supremacy of the others. Such a relation may be either in the nature of a fief, or conventional, i.e., by some treaty of peace or alliance in contrast with the fief, which is a sovereignty granted by a lord paramount over some defined territory, accompanied with an express grant of jurisdiction." Grotius says "Unequal leagues are made not only between the conquerors and the conquered, but also between peoples of unequal power, even such as never were at war with one another." Grotius, Bynkershoek and Vattel agree that in unequal alliances the inferior power remains a sovereign State. Its subjects, or citizens owe allegiance only to their own sovereign. Over their disputes, and internal dissensions, the suzerain power as such has no jurisdiction. In short, the weaker power may exercise the rights of sovereignty, so long as by so doing no detriment is caused to the interests or influence of the suzerain power. It follows that the inferior power must in all alliances with other States be controlled by its suzerain. Vattel says "a weak state which, in order to provide for its safety, places itself under the protection of a more powerful one, and engages to perform in return several offices, equivalent to that protection, without, however, divesting itself of the right of government and Sovereignty, does not cease to rank among the sovereigns who acknowledge no other law than the law of nations."

29. In the very recent case of *Duff Development Company versus Government of Kelantan* (XL Times Law Reports, page 566), Lord Finlay expressed himself on the same subject as follows:—

"It is obvious that for sovereignty there must be a certain amount of independence, but it is not in the least necessary that for sovereignty there should be complete independence. It is quite consistent with sovereignty that the Sovereign may, in certain respects, be dependent upon another Power; the control, for instance, of foreign affairs may be completely in the hands of a protecting Power, and there may be agreements or treaties which limit the powers of the sovereign even in internal affairs, without entailing a loss of the position of a Sovereign Power. The sovereignty of the State does not preclude the assumption

* For a fuller discussion of Raja Chet Singh's position reference may be made to "observations on a letter to the Court of Directors of the East India Company from Warren Hastings, Esq., Governor-General of Bengal, dated at Fort William the 20th March 1783, interspersed with such authentic documents as tend to show the grounds upon which the Directors established their Resolutions respecting Mr Hastings' conduct towards Chet Singh, the Raja of Benares, printed by order of the Court of Directors, November 19th, 1783, also see appendix to this Memorial No. 10

[See Warner's Protected Princes of India, page 41.

of obligations, by treaty or otherwise, or the existence of a servitude upon the territory of one State for the benefit of another. Nor is it incompatible with the payment of tribute, where such payment is made, as to the Barbary powers prior to 1830, not a sign of dependence, but as the price of an advantage "gained or peril avoided." (Moore's International Law, Vol. I, pp. 19-20.)

30. In 1781 Raja Chet Singh was deposed from the rulership of the State of Benares for reasons which it would serve no useful purpose to enter upon here, but which formed one of the groups of charges in the impeachment of Warren Hastings.

31. The question of succession having been opened by the deposition of Chet Singh, the Governor-General installed Raja Mahip Narain, the grandson of Raja Balwant Singh from his daughter, as the "Great Chief of Benares*." Writing to this Council at Calcutta, on the subject, Warren Hastings said (without italics) "*The reigning family* had not merited by any act of theirs to be involved in the punishment of Chet Singh..... I therefore..... resolved to bestow the Raj on Mahip Narain, the *lineal heir* of Raja Balwant Singh." It is impossible to reconcile the use of the expressions "reigning family" and "Raj" with any idea other than that of the sovereign status.

32. Raja Mahip Narain Singh accordingly succeeded Raja Chet Singh to the Raj as the "lineal heir" of the "reigning family§." On the 14th September 1781 a Sanad was granted to him by which he was "appointed to the Zamiudari of the said Sircars, and to the Amini (civil jurisdiction) and Faujdari (criminal jurisdiction) of the towns and places of the same, except the Adalat and Faujdari of the town of Benares, the power of the said Raja in that town extending only to collection of its revenues and to the appointment of officers acting under his authority for that purpose||." By the fourth clause of this Sanad it was provided that the Province of Benares "is granted to him *in perpetuity*," upon the condition *inter alia* of his paying an increased tribute of 40 lakhs of Benares Sicca Rupees, which sum the Sanad provided should be paid after making certain specified deductions. The Sanad also took away from the new Raja "the power of levying forces and maintaining fortresses" and allowed an annual compensation "for loss of profits derived by the former Raja from the Mint of Benares the business of that office being placed in other hands."

33. It will be seen that Raja Mahip Narain, succeeded to the same titles and to the same status, which were enjoyed by his two immediate predecessors, Rajas Balwant Singh and Chet Singh, by virtue of his "just rights" as the "lineal heir" of the "reigning family," and possessed the same attributes of sovereignty as did the two preceding Rajas with the exception of certain specified rights expressly mentioned in the new Sanad conferred on him, *i.e.*, (1) the military power of the Raja was restricted, (2) his powers of civil and criminal jurisdiction in the town of Benares were completely withdrawn, (3) the control of the mint was entirely removed, and (4) the tribute was raised from 22½ lakhs to 40 lakhs of rupees a year. Nevertheless his sovereign status, and ruling powers were recognised throughout the four Sircars excepting civil and criminal jurisdiction of the city of Benares.

34. Thus began the first process of decay, the first encroachment upon the sovereign rights of a ruler, one of whose ancestors the British Government had encouraged to enter into a treaty, and had undertaken to maintain independent for all time; another of whose ancestors the same British

* Aitchison's Treaties, Vol. I, p. 71, the *zimmun*.

† Narrative of Warren Hastings of the Transactions at Benares (Report from Committee of the House of Commons, Vol. V, p. 512, column 2.)

‡ *Ibid.*

§ *Ibid.*

|| Aitchison's Treaties, Vol. I, pp. 68-71 (XXIX). Also Appendix V to this Memorial.

Government, had assured that he was master in his own house, and competent to resist by force all infringements of his authority, and stated that he was fully invested with the *government* of his country, who was recognised as having power to levy or remit import duties, for whom the British Government had obtained a Sanad, which expressly provided that "it was made with him and his heirs and successors and shall *never be deviated from*," whom the same British Government described as an ally who had always been regarded as such, had solemnly pledged their faith that they should never make any encroachment upon his rights; within whose dominions they had resolved not to exercise any kind of authority or jurisdiction, upon whom they had by Sanad conferred inherited sovereign rights; and whom they had informed that they "were determined to leave him free and uncontrolled in the management of the internal Government of his country," whose ancestors were referred to by them as a "reigning family," and upon whom they conferred "the Raj" as the "lineal heir." These encroachments upon the rights and privileges of the Rulers of Benares, whose attachment to the British Throne under all circumstances remained firm and unaltered, took place within the short space of about five years. But this was not all. More was to follow.

35. Contemporaneously with the Sanad of the 14th September 1781, which was granted to Raja Mahip Narain, a Patta and Kabuliata of the same date were exchanged which concluded with the solemn words that "*by the blessing of God from this Agreement in no instance shall there be ever any deviation or failure*." (Italics are mine.)

36. Unfortunately Raja Mahip Narain suffered from congenital infirmity both mental and physical. He was described as "having scarcely arrived at the verge of manhood, being 19, and in understanding being little advanced beyond the term of childhood†." The administration was consequently not all that might have been desired. Accordingly, Warren Hastings appointed the Raja's father Durgbijai Singh as Manager of the State under the control of the British Resident. This manager proved equally incompetent, and was removed in favour of a series of others, under the designation of naibs, or deputies, none of whom proved satisfactory§. Warren Hastings eventually in 1784, framed a body of rules for the government of the country which he styled a "Constitution||." Under the provisions of this Constitution (a) the Naibs were invested with full and complete power of administration in the name of the Raja, assisted by an official adviser, called Amin, (b) the Raja's seal and signature were required to be affixed to all official papers by way of authentication, (c) the British Resident at Benares was authorised to generally supervise the work of the Naibs, and to keep himself informed of the financial transactions of the province through a "Mutsaddi" (clerk) of his, who was to regularly attend the Kutchery of the Naibs, (d) the appointment of Aumils (collectors of revenue) was to be made by the Raja and the Naib within the knowledge of the British Resident, and so were also the settlement of the land and other fiscal arrangements of the zamindari, (e) the surplus collection, remaining in hand after payment of the Company's tribute of 40 lakhs and meeting administrative charges, was to be expended partly on the private expenses of the Raja, and partly on the improvement of the country, *at the Raja's discretion*.

37. This Constitution makes it clear, beyond all doubt, that Raja Mahip Narain was recognised as enjoying internal sovereign, or semi-sovereign rights, that the government of the province was to be carried on in his name, through his deputies, and that he was the owner of, and had control over the expenditure of, the surplus revenue of the country.

*Atcherson's Treaties, Vol. I, pp. 63-64. The Patta to Raja Mahip Narain Singh (No. XXVIII) also Appendix VI to this Memorial

†Dengal Secret Consultations, dated 4th December 1782, (India Courier Extraordinary Proceedings relative to Warren Hastings. Appendix, Vol. I, p. 110.) Also Ross Correspondence of Lord Cornwallis, Vol. II, p. 166, Minutes of the Governor-General.

§Forrest's selections from letters and despatches of the Foreign Department, Vol. 2, p. 1101.

||Forrest's Selections, Vol. 2, p. 1097, also Appendix XII to this Memorial

38. In submitting this Constitution for the sanction of his Council, Warren Hastings, in his letter, dated 13th June 1783 to Mr. Wheeler, President of the Council, stated (without italics) "I do not propose this as a permanent arrangement, I will be answerable for its effects as a temporary experiment. Finally, I hope that neither *the present nor any future administration will think of committing, the inferior details, to the control of a British subject, which would subvert the rights of the family.* If the Raja himself was capable of managing, we could not, with any show of justice, transfer it to any other from him*." In sanctioning the constitution Mr. Wheeler observed "I consider the Raja in the light of *a minor* who is in *nominal charge of his country by right of inheritance*, but not being able to manage it, a Diwan or Naib is required to manage it for him. The Governor-General's plan is therefore a temporary expedient and may be approved as such†."

* Letter of Warren Hastings to E. Wheeler, Esq., dated Lucknow, the 13th June 1784 (Forrest's Selections, Vol. 3, p. 1099).

† Proceedings of Secret Department, 30th June 1781 (Forrest's Selections, Vol. 3, p. 1101.)

39. I may remark here in passing, that this arrangement was the beginning of that "dual authority," which ultimately resulted in the complete annihilation of the rights of my family in the four Sircars. Although this arrangement was distinctly stated to be a "temporary expedient," the next step, so far from restoring the rights of my family, went further to usurp them. It was the thin end of the wedge.

40. In 1786 Lord Cornwallis became the Governor-General of India, and in the following year he visited Benares. On the 14th August 1787 he wrote to the Right Hon. Henry Dundas. "The Resident, although not regularly vested with any power, enjoyed the almost absolute government without control. His emoluments, besides the thousand rupees per month allowed him by the Company, certainly amounted to little less than four lakhs a year, exclusive of the complete monopoly of the whole commerce of the country‡." It is not surprising, therefore, that Lord Cornwallis found the general administration of the country neglected and in great disorder, nor that he decided to remove the Resident from his appointment and put in a successor.

‡ Ross Correspondence of Lord Cornwallis, Vol. I, p. 271.

41. The choice of a successor fell upon Mr. Jonathan Duncan, who was appointed as the "co-adjutor§" of the Raja, with increased authority. He was specially instructed to take measures to educate the Raja in the administration of his country, with a view to restoring to him the uncontrolled management of its affairs, as soon as possible. The Resident was also empowered to take the land revenue settlement in his own hands "making the Raja as much as possible a party in it" as "after its completion he might be more fit to superintend the administration of his country||." The Resident was also desired to establish courts of justice in the towns of Ghazipur, Mirzapur and Jaunpur "under Raja's authority, and under his orders¶." In short he was required to exert himself to place the administration of the province on a sound basis, in order to "expedite the period when His Lordship might be able to restore the permanent management to the Raja inasmuch as it would afford the Government a real gratification, and prove also a great relief to the agent on the spot to recommit to the Raja the entire charge of his country**."

§ Letter of Lord Cornwallis to the Prince of Wales, dated 14th August 1790. (Ross Correspondence of Lord Cornwallis, Vol. II, p. 34.)

|| Selections from Duncan Records, Vol. I, p. 139.

¶ Lord Cornwallis to the Court of Directors, dated 3rd March 1788 (Ross Correspondence of Lord Cornwallis, Vol. I, p. 529.) Also selections from Duncan Records, Vol. II, p. 136.

** Selections from Duncan Records, Vol. I, Appendix C, p. XLV.

42. This promise to restore the Raja to the uncontrolled administration of his country at a very early date, was made so often, so repeatedly, and so positively, that it will be a tedious monotony to make a more detailed reference to it. The following few extracts (without italics) from the Duncan Records may, however, be usefully quoted by way of illustration:

(a) "Resident had not allowed himself seriously to regret, in the hopes of promoting *the grand and declared object of his instructions, namely, the restoration of Raja to the fullest possible exercise of the functions of his station††.*"

†† Duncan Records, Vol. I, p. 34.

(b) "The Resident was therefore authorised to take upon himself the entire conduct and formation of the new settlement of 1196, availing himself of the Raja's interposition no further than he might think proper. The Board did not mean by this to renounce the original principle of the instructions communicated to him for the restoration of the Raja to the fullest possible exercise of the functions of his station. On the contrary the Board considered it as a leading principle in Government's political connections with the Raja, which they should ever be happy to revert to, when he was capable of acting himself*." Further :

* Duncan Records, Vol. I,
p. 51

(c) "The Raja should certainly be on every account impressed with an idea of the just and honourable intentions of Government towards him†." Also :

† Ibid, p. 113

(d) "Resident still thought that the institution of a Revenue Court, such as was suggested in his letter of the 12th of September, and the rule for whose guidance should be the regulations of the 25th of June 1788, was an essentially necessary preliminary to the Raja's being reinvested with the management of the country‡." Again :

‡ Ibid, p. 111

(e) "Though after its completion he might be more fit to superintend the administration of his country, than he could be in its present unsettled state§." Also :

§ Ibid, p. 130

(f) "The restoration of the Raja to the administration of his country was a matter of serious and important consideration||." Further :

|| Ibid, p. 124

(g) "The Board looked forward however to a period when the administration might again with safety be restored to him¶." Also .

¶ Ibid, p. 125

(h) "The Governor-General looked forward to the period when His Lordship might be able to restore the permanent management of the Raja and.....perhaps the situation of things might be such as to admit of that restoration taking place by the end of the ensuing Fasli year of 1197**."

** Duncan Records, Vol. II,
Appendix C, page XLV

43. It remains to be seen how far these laudable sentiments and assurances were carried into effect. The progress that was actually made was in a direction opposite to that professed, as will appear from the following extract from the report of Mr. Reade, the Commissioner of Benares, dated 31st October 1850. He says, "Previous to 1781 the Resident had not interfered in the administration of civil and criminal justice, or in the settlement or collection of revenue. But between that year and 1794, the Resident, at length, became invested, almost, with supreme powers of control, the authority of the Raja being recognised rather as a matter of courtesy than of fact††."

†† Para. 6 of the report of Mr. Reade, the Commissioner of Benares, dated the 31st of October 1850. (Appendix XVI of this Memorial)

44. Mr. Duncan, apparently, chafed under the restrictions imposed by the system of "dual control." He had no legal authority to act independently of the Raja, and the necessity of obtaining the latter's consent, interfered with his desire to effect necessary and pressing reforms in the administration. This desire was also hampered by the fact that the Raja, who was from birth an intellectual weakling, became subject to fits of epilepsy‡‡, which gradually reduced him to a state of hopeless imbecility. The incapacity of this successor of Raja Chet Singh "to control his officers and affairs§§," augmented by the "subordination in which he was placed with regard to his naibs¶¶" and "the irregularity in the conduct of those naibs themselves and the natural consequences thereof§§," supplemented by "an improper selection of amils, and the oppressions exercised or connived

‡‡ Report of the Resident at Benares, dated the 25th of July 1794. (Appendix XI to the Memorial).

§§ Duncan Records, Vol. I,
p. 116.

* Duncan's Records, Vol. I
p. 116.

† Reports from the Committees of the House of Commons, Vol V, East Indies, 1781-82, p. 667, col. 2

‡ Duncan's Records, Vol. I,
pp. 1 to 159

by them*," aided by frequent changes of Residents, whose conduct the Governor-General himself disapproved, each and all, reduced the Province almost to a state of desolation. Village, became depopulated and barren of all cultivation. Lawlessness and rapine became the order of the day†. The revenues of the Province dwindled to a dangerously low figure, so much so, that they could not suffice to meet the ordinary expenses of the administration, or the payment of the Company's tribute of 40 lakhs which was the first charge on the zamindari‡. This tribute consequently fell into arrears which drew the serious attention of the Board to this most unsatisfactory state of affairs§. They the (board) impressed on the Resident the paramount necessity of improving matters in any way possible§. The Resident after mature consideration came to the conclusion that unless certain drastic fiscal and judicial reforms were immediately carried out there was no hope for the unfortunate country to be saved. But the dual system of Government stood in the way of such reforms. The Raja being the *de jure* ruler of the State, had no real power in his hands; and the Resident, though the *de facto* administrator, had no authority to act independently of the Raja. The latter's consent to all measures of reform, was a *sine qua non* which, with his ever increasing imbecility, became daily more and more difficult to obtain. The critical condition of the country at the same time could brook of no delay. The position was thus one of despair. As a consequence, acting under the well-known maxim, that "Necessity knows no law," the Resident became determined to carry out the necessary reforms, at all cost, in order to restore the prosperity of the country, and the confidence of its inhabitants. Various devices were resorted to by him to obtain the Raja's consent. Empty promises, coaxing and threats were in turn made use of, in order to play upon the Raja's hopes, vanity and fears with unfailing success. The following extracts from the Duncan Records may be illustratively quoted. (The italics are mine.)

§ Duncan Records, Vol. I,
page 9.

|| Duncan Records, Vol. I, p.
11.

¶ Ibid. Appendix C, p. XLV.

** Duncan Records, Vol. I,
Appendix C, pp. XLV and
XLVI.

- (a) "By thus completing the mufassil settlement.....his" (Raja's)
"good fame will rise above all the Rajas of Hindustan§." Again:
- (b) "Should the Raja reduce the Resident to the necessity of taking
the management on him-elf||" (the Resident). Also:
- (c) "In the course of this conference the Resident intimated to the
Rajathat the Governor-General in Council looked forward to the period when his Lordship might be able to *restore the permanent management to the Raja*, and that, if he heartily joined in the proposed measures perhaps the situation of things might be such as to *admit of that restoration taking place by the end of the ensuing Fuzlee year of 1197*, but that, if he did not heartily join in forwarding the object of the system in question, *the period, he might thus look forward to, must thereby be rendered very indefinite and uncertain;.....but that as soon as they had obtained such satisfaction and confidence, it would afford them a real gratification and prove also a grateful relief to their agent on the spot to recommit to him the charge of his country¶.*" Again:
- (d) "To impress the Raja, still further with the conviction of the honorable views which Government at all times entertained towards him, the Resident took occasion to observe to the Raja, that.....his Lordship in Council.....did.....consider it as a just and desirable object, to have the provision for the Raja's dignity as ample and sufficient as possible, with which view a reference would be made to the Hon'ble Court of Directors,to make the Raja perfectly easy in regard to his own establishment, by even granting any reasonable augmentations to it, that should at any time prove eventually necessary.....**."

45. Is it to be wondered at if the Raja succumbed to these temptations believing implicitly in the Resident's assurances and expressed "his ready and even thankful assent to, and concurrence with the intention of Government," declaring "that as its objects, in regard to the promotion of his *personal prosperity*, as founded upon that of the country, were and must of course be entirely conformable to his own, he could not possibly entertain objections to the measures which were thought most conducive to such ends and *that as his dependence rested alone on Government, so his wishes were and must be to afford it satisfaction*?"*

* Duncan Records, Vol. I
Appendix C, p. XLVI.

46. The last quotation, of which I have taken the liberty to italicise certain portions, will serve to show, how the imbecility of the Raja contributed to the giving of his assent, to the measures contemplated by the Resident, and how it was readily given by him with a child-like simplicity, with an implicit reliance upon the promises of the Resident, made on behalf of the Government, upon which his "dependence rested alone," regardless of the consequences of his consent upon his own future or upon that of his posterity. It is also a curious coincidence, that the promise so unambiguously held out to the poor Raja, of being restored to power in the year 1197 Fasli, was not only not fulfilled, but he was permanently deprived of the remnants of his power and authority from the very same year, instead.

47. In making the above quotations nothing is farther from my intentions than to impute any sordid or impure motive to the Resident. The Reforms were imperative and could not wait, if the country was to be saved from desolation. The Raja's consent at the same time was absolutely necessary to legalize the measures. The Resident had therefore no other option than to obtain it at all cost. A "divided authority" was at the bottom of all this trouble. Even the restoration of the Raja to power would have been the lesser of the two evils, as the Resident in one of his various addresses to the Government clearly stated:—

"The style of the Raja's expenses," said the Resident, "was.....far from extravagant, and even much less than what was suitable to his rank and station, but having been long brought up without hopes of attaining to the Raj, and since kept in a state of political depression under Naibs and Managers, his mind seemed, from the habit of subjection it had contracted, not very susceptible of expanding in proportion to the rise of his fortune; though it was difficult to say what alteration might in this respect be obtained *were he placed in the free and altogether uncontrolled management of his country, a measure which the Resident still thought might possibly answer the intentions of Government*;... ..This much however seemed certain, that in all countries, and more especially in those of the East, *divided or broken authority and rule of Government could hardly succeed so well as a single and uncontrolled administration*†." (The italics are mine.)

† Duncan Records, Vol. I. p. 112

48. The Resident however did succeed in carrying out the necessary fiscal and judicial reforms. Courts of justice on English models were established at various centres‡ under the Raja's authority§. Stipendiary judges of good repute were appointed to administer justice guided by British Laws and regulations. Land Revenue settlement was effected under the personal supervision of the Resident, and Pattas containing, the conditions of the settlement, and the actual amount of the rental payable, were for the first time issued to the cultivators||.

‡ Duncan Records, Vol. I, pp. 41, 43, 50, 52 & 113.

§ See Letter of Lord Cornwallis to Court of Directors, dated 3rd March 1783. (Ross Correspondence, Vol. I, p. 529.)

|| Duncan Records, Vol. I, pp. 13, 38 & 56.

49. At this very juncture Lord Cornwallis became anxious, to introduce his favourite schemes of Permanent Settlement and of the establishment of courts of justice on English models throughout India. He was of opinion that "if these were introduced into a centre like Benares, the resort of persons of influence and learning, from all parts of India, the eminent advantages of the system could not fail to attract attention, and command approval, and thus lead to their introduction, gradually, elsewhere, and spread the fame of the British nation throughout the length and breadth of India." In other words, he wished to demonstrate his model schemes at Benares.

*Letter from Lord Cornwallis to the Court of Directors, dated 3rd November 1788. (Ross—Cornwallis Correspondence, Vol. I, pp 532-33)

50. But these objects, which involved radical changes in the general administration were not easy to carry into effect. The *de jure* government of the Province was vested in the Raja, and the *de facto* government was in the hands of the British Resident. The proposed changes could therefore be effected constitutionally in only one of the two ways. They might be, either, introduced by the Raja himself, or he might formally authorise the British Government to do so. Things being as they then were, it was not to be expected that the former course was at all practicable, but the Resident felt sanguine that the latter procedure was within his power to accomplish if he applied himself to the task with his, customary skill and determination. He promised the Government "to gain in due time his (Raja's) ultimate assent to the wishes of the Government" without of course "*convincing his understanding*†."

† Duncan Records, Vol. I, p. 219.

51. With a view to carry out the proposed scheme, with constitutional propriety, Mr. Duncan endeavoured to obtain, and claimed that he eventually did obtain, the "assent" of the imbecile Raja to the introduction of the new system. The method employed, and the farcical way with which the, so called, assent was obtained cannot be better described than in the Resident's own words.

52. On the 25th July 1794, he wrote a letter to the then Governor-General, Sir John Shore, enclosing a "memorandum of such further proceedings as I have held relevant to obtaining the Raja's consent to the introduction of the new system†." And then he went on (without italics):

† Duncan Records, Vol I, p 225

(a) "On the 23rd of July, the Raja being himself confined to his house at Ramnagar by a swelled leg, the Resident renewed the subject of the probable introduction of the new system to Sukh Lal (the Raja's principal Mutsaddi stationed in the Resident's Kutchery', and desired him to proceed to Ramnagar, to propose it to the Raja, with a view to obtain his assent,.....as to which he (Sukh Lal) said he entertained little or no doubt, provided the Raja's signature to Pattas and Farkhatis and other revenue papers were allowed to remain current as at present. This the Resident had, on his part, no difficulty of assuring the continuance of, as there can neither evil or inconvenience result from it, since the Raja's signature on these writings, are merely affixed as a matter of course, after that of the Resident, without any control or interference on the part of the former, as far as respects the granting or issuing of such deeds."

(b) "On the 25th July 1794 Sukh Lal reported that he had "been" with the Raja as desired, and had renewed the subject of the intended introduction of the new system, whereupon the Raja had remained for some time silent as in reflection after which he (the Raja) did himself propose to proceed with Sukh Lal to the Rani; and ask her opinion. They accordingly

went thither; when the Raja explaining to the Rani Gulab Kunwar, his grandmother, the tenor of the Resident's proposition, she asked him what he himself thought of it, to which the Raja replied *that during the six years of the present Residency he had scarcely been made sensible of or felt irksome diminution of his authority, and that he was now also for agreeing to what the Resident had proposed*, as thinking likewise the plan in itself a good one, whereupon the Rani said it had also her concurrence, and thus it was on both their parts fully agreed to, but Sukh Lal adds that as the Raja and he were about to withdraw, the Rani desired him to notice to the Resident that Mr. Hastings having concluded a permanent settlement with the Raja, she was thereon hopeful that the surplus receipts from the country might be enjoyed by the Raja; and the Resident asking Sukh Lal, whether this intimation was as a condition of the other acquiescence, he answered in the negative, and by explaining, that it was merely an observation thrown out by the Rani, as naturally connected with the occasion, and on which she and the Raja would both submit themselves to the judgment of the Resident or of Government*."

* Duncan Records, Vol. I, pp. 225-6.

- (c) "It may be here noticed that as in conversing with Sukh Lal on the 23rd instant, relative to the message of which he was then made the bearer to the Raja, the Resident slightly intimated the Raja's being habitually afflicted with epilepsy as the one principal cause why our Government had been obliged to interpose further in the management of the district of Benares than otherwise might have happened, Sukh Lal on being now asked whether he had made any mention of this motive in his conversation with the Raja, answers that he did not, for that he had no occasion, and thought it better avoided†."

† Appendix XI to this Memorial.

53. Thus in half an hour the fate of the Ruling House of Benares was sealed as a result of a conference between an invalid, epileptic and imbecile Raja, his grandmother of 90 years, and a shrewd and unscrupulous servant in the person of Sukh Lal who from being a "nutsaddi" was subsequently dubbed a "Diwan†" and recommended highly by the Resident, for being rewarded by the Government, for his valuable and meritorious services§. I would invoke Your Excellency's sense of justice to this unmerited treatment of the loyal and faithful House of Benares, which never swerved from the path of fidelity to the British Government even in face of greatest temptations and trials.

† Duncan Records, Vol. I, Appendix 'p', XCVIII

§ Duncan Records, Vol. I, pp. 251 & 256

54. On the 27th October 1791, only three months after Mr. Duncan had written from Benares to the authorities in Calcutta, communicating the result of his interview with the Raja, a formal Agreement, giving effect to the so-called "assent," was entered into "between the Raja of Benares on the one part, and the Resident at His Highness' Court on behalf of the British Government on the other part." In the preamble of this Agreement it is recited (without italics) that "the Governor-General being desirous to introduce with the consent of Raja Mahip Narain Singh, Zemindar, into the zilla of Benares, . . . the same system and rules, for the administration of justice, and for the concerns of revenue, as was in 1792 established within the Province of Bengal, Bihar and Orissa, . . . and the Raja having after consideration of the said circumstances agreed to, and approved thereof, . . . the administration of justice which had hitherto remained in the

hands of natives, shall be conducted by *English gentlemen*, and there shall also be separately appointed a Collector (being in like manner a *British subject*) for the realisation of revenue, whilst the duties of the Court of Appeal are to be conducted under similar regulations as are provided to that effect in Bengal; and for as much as the support of these establishments will occasion, to the Hon'ble Company's Government, an increase of expenditure, therefore with a view to provide for the said charges, which are *solely* to be incurred for the prosperity and advantage of the four Sircars composing the zilla of Benares, the following articles have been settled and concluded between the said Raja and Mr. Duncan*."

Aitchison's Treaties, Vol. I, p. 72 (XXX) Also Appendix No. A to this Memorial.

55 By the first article of this Agreement it was provided, that out of the surplus revenue, over and above the forty lakhs of rupees, which including the articles of deduction were stipulated to be payable by the Raja Mahip Narain Singh. in the year 1781, one lakh of rupees per annum is *without fail* to be received from the Mulki treasury by Raja Mahip Narain Singh and the remaining surplus is to be annually expended *in this district* and applied under the authority of the Company's government towards the charges of the civil and judicial establishments, the support of the new and old Courts, and for the maintenance of the Padsala or Hindn College, and for repairing the roads and constructing bridges and promoting the cultivation, etc.†". By the second article it was provided "that the revenue settlement within the Raj of Benares, etc., having taken place with the privity and approbation of Raja Mahip Narain Singh Bahadur,..... the signature, seal, office and Treasurer are to remain in force and be continued as usual‡," (the italics are mine.)

† Ibid.

‡ Ibid.

56. Apart from the question of what status, rights and privileges Raja Mahip Narain Singh possessed and enjoyed at the time when this Agreement was concluded, and the changes in them which the Agreement brought about which I shall presently deal with, the Agreement itself makes clear and establishes certain points, namely:—

- (1) That the British Government in 1794 did not regard the four Sircars as forming part of British territory, and did not consider itself free to introduce in them any new system of government without the consent of the Raja.
- (2) That this Agreement did not annul the Sanad and Pattah in favour of Raja Mahip Narain Singh, dated 14th September 1781, and that the rights secured to the Raja by these documents, and all other rights which he enjoyed, continued to vest in him, except in so far as they were expressly modified by the Agreement.
- (3) That this Agreement recognised the Raja Mahip Narain as possessing certain sovereign rights, and especially provided that all grants and leases should continue *under his signature and seal*.
- (4) That the initial surplus revenue was to be expended firstly, in payment of the tribute of Rs. 40 lakhs per annum less the deductions specified, secondly in payment of Rs. 1 lakh per annum to the Raja, and lastly on the necessary improvements of the four Sircars, such as the construction of roads, bridges and the like.
- (5) That the arrangement contemplated by the Agreement was of a purely temporary nature, as in the case of the "Constitution."

57. In case it be contended that this Agreement must be taken as the basis of the future status and rights of the Rajas of Benares, and of their relationship with the British Government, it becomes relevant to

examine in what manner, if at all, the rights and privileges which Raja Mahip Narain Singh enjoyed previous to the conclusion of this Agreement were affected by it. For this purpose it appears useful to critically examine the contents of the following three documents, namely the Sanad, dated the 14th September 1781, the Constitution of 1784, and the Agreement, dated 27th July 1794.

- (a) The Sanad appointed the Raja to the zamindari of the four Sircars.

This appointment was entirely unaffected by either of the two later documents.

- (b) The Sanad appointed the Raja to the Amini and Faujdari of the towns and places of the four Sircars, "in perpetuity" excepting the town of Benares. Subsequent to the framing of the Constitution this position of the Raja was affirmed by the Government in their instruction to the Resident, to establish Courts of Justice in the towns of Ghazipur, Mirzapur and Jampur *under the Raja's authority and orders*. The Agreement merely authorised the British authorities to introduce and administer, through English gentlemen the same system and rules of justice as then prevailed in Bengal. In other words there was to be a change from one system to another.

- (c) By virtue of the Sanad the Raja was the unfettered owner of the entire revenues of the four Sircars, subject to the tribute of 40 lakhs of rupees. By the terms of the Constitution the surplus revenue, after payment of the same tribute, was appropriated to the private expenses of the Raja, and as a fund for the extraordinary expenses of the State, which were clearly specified. The Agreement, *merely because the new system would cause an increase of expenditure*, provided that out of the net revenues the tribute of 40 lakhs, less agreed deductions, should first be paid to the British Government, next that the Raja should receive one lakh of rupees, and then the remaining surplus, or balance, should be "annually expended *in this district*" and applied towards the services specifically mentioned.

* Ross Correspondence of Lord Cornwallis, p. 529. Letter from Lord Cornwallis to Court of Directors, 3rd March 1788.

58. I desire here to particularly emphasise two points. Firstly, that the fundamental idea which formed the basis of the Agreement, was the statement upon which the Raja's consent was obtained, that "the administration of justice which had hitherto remained in the hands of natives should be conducted by English gentlemen and that the Collector should be in like manner a British subject," which clearly meant a European and not an Indian British subject. Secondly, that the Raja who was the proprietor of revenues, never divested himself of their ownership, but at the most, sanctioned their expenditure in a particular manner. The Government who were authorised to handle the revenues, of which the Raja was the owner, solemnly and expressly undertook to disburse them annually "in this district," and nowhere else "for the prosperity and advantage of the four Sircars" upon certain enumerated and specified services. I respectfully submit that the Government is not justified in spending the surplus revenue outside the four Sircars, either directly, or in the manner in which they have for years done, by transferring it to the general budget of the Local Government of the United Provinces. I further submit that as regards the annual surplus not expended in the four Sircars, inasmuch as the revenues of the four Sircars have never been transferred to the British Government, and Raja Mahip Narain Singh, in whom the revenues were admittedly vested, never divested himself of them, the Rajas of Benares are, upon the principles of equity and good conscience, entitled to recover such unexpended surplus revenue from the British Government.

59. A careful consideration of the state of things preceding this Agreement, and a perusal of the correspondence that took place prior to its conclusion, will clearly show that the Agreement of 1791 was not the result of any new policy of the Government in respect of the State of Benares. It was concluded simply to legally authorise the British Government to carry out the necessary pressing reforms in the four Sircars, which the hopeless chronic imbecility of the Raja made it impossible to effect with his consent and co-operation. The three main reforms with which the Agreement deals were already established facts but, without any legal justification which this Agreement secured for them.

60. The three main points with which the Agreement is concerned are the permanent settlement, the establishment of the courts of justice on English models, and the disposition of the surplus revenues of the Province.

61. The permanent settlement, of which mention is made in the Agreement, was already an accomplished fact before the Agreement was concluded. This reform appeared to be imperative owing to the very heavy land revenue which was arbitrarily assessed on the Province of Benares in 1781 when it was settled with Raja Mahip Narain "in perpetuity*." On actual working it appeared to be an impossibility to realize sufficient revenue from the four Sircars to pay even the Company's tribute of 40 lakhs, to say nothing of any profit to the proprietor. Under the disorders that followed the administration of the Naibs, and subsequently that of irresponsible British Residents, the resources of the country touched a further low level, and the stipulated tribute considerably fell into arrears. It was at this time that Mr. Duncan assumed charge of the Residency. His first care was to put the finances of the country in order. And as a first step towards that end he made a one year settlement of the zamindari†. This settlement however did not prove successful as it still left a large deficit even in the Company's dues, without leaving a margin for administrative expenses,‡ or for the Raja's profits. A five years' settlement was next tried more advantageously, which was soon after made for ten years. This latter settlement proved very successful as it fully secured the Company's revenue and at the same time left a sufficient margin "for an easy and honourable provision for the proprietor§," after meeting the necessary administration charges. As the revenue assessed at this decennial settlement appeared to the Resident the maximum which it was within the capacity of the people to pay, and any attempt to enhance it was likely to prove injurious to their well-being, this latter settlement of ten years was subsequently made permanent by a notification issued for the purpose§. These various settlements were made under the authority of the Raja and with his consent, expressed or implied, the Pattas were therefore issued under his seal and signature which fact was expressly made mention of in the second article of the Agreement.

62. The permanent settlement was thus an accomplished fact before the Agreement of 1794 was proposed. It was simply confirmed in that Agreement. Had it not been for the continuance of the Raja's seal and signature to all revenue papers, and of his Kutchery (which was originally established at the Government's initiation in order to make the Raja a party to the revenue administration of his country, and to afford him an opportunity to learn the principles of administration||), as an earnest of the intention of the Government to redeem their oft-repeated promise of the restoration of the Raja to power at an early date, there would have been no occasion for its reference, in this compact, at all.

63. The next item of which mention is made in the Agreement is the establishment of the courts of justice on British models presided over by British officers. The Resident had, however, already undertaken, and

* Sanad granted to Raja Mahip Narain Singh (Appendix V of this Memorial), also Nicholson's Treaties, Vol. I p. 69

† Duncan Records, Vol. I, pp. 1 to 100.

‡ Duncan Records, Vol. I, p. 116.

§ Duncan Records, Vol. I, p. 222.

|| Duncan Records, Vol. I, p. 142.

accomplished this Reform. The Raja's Mulki Adalats, which were the only courts of justice in all matters whether of a civil, criminal or revenue nature*, had already engaged his attention. Reliable salaried judges with good reputation had been appointed to preside over them with the Raja's consent and approval, the Resident reserving to himself the power of control, and of hearing appeals from their decisions†. This had been followed by the establishment of three courts of justice under the authority of the Raja at the capital towns of the Sircars of Mirzapur, Jaunpur and Ghazipur on the models of the Company's courts in the town of Benares‡. The expenses of these courts, in the absence of a sufficient surplus, were debited to the Company's account, the Raja being expected to meet them "when the resources of the Raja were improved by the operation of the intended regulations§." A supreme Revenue Court was also established at Benares as a guarantee for the continuance of the revenue reforms. All these courts were under the Resident's control and guided by British laws and regulations so far as practicable||.

64. The only new element introduced in the administration of justice by this Agreement was the substitution of "English gentlemen" for the "native Judges" (although this was already an accomplished fact, the Assistant Residents in the three Sircars of Chunar, Ghazipur and Jaunpur, and the Resident at Benares having been constituted appellate authorities) and the transfer of the authority of collection of the land revenue from a British Resident to a British Collector.

65. The third item with which the Agreement dealt, was the disposal of the surplus revenue remaining in hand after the payment of the Company's tribute and administrative charges. This point was also settled long before the conclusion of this Agreement. Simultaneously with the appointment of Mr. Duncan to the Residency at Benares, the Government expressed their anxiety at the recurring deficits in the collection from the Sircars, by which not only the Company's dues were falling into arrears¶, but also there was no surplus to pay to the Raja whose "status not only required an ample supply for conveniences but also for his dignity**." The Resident was repeatedly pressed for carrying out fiscal reforms to ensure the realisation of the Company's tribute and also to "provide a comfortable addition to the Raja's income" from his private jagirs. With characteristic zeal and diligence the Resident succeeded in making a ten years' settlement (which was subsequently made permanent) which secured the Company's tribute and at the same time left a sufficient margin for "an easy and honourable provision for the proprietor††." This surplus which in the first year of the settlement was sixty thousand‡‡, was estimated in the year 1794 to be one lakh and forty thousand, with a promise of increase "in respect to the tax on spirituous liquors§§." Out of this estimated annual surplus the Raja was allowed the lion's share amounting to more than its two-third, viz., one lakh of rupees, the remainder being spent on the improvement of the country|||. This arrangement was made on the line laid down in the last paragraph of the constitution¶¶, the actual amount payable to the Raja, being fixed in consideration of the then existing "financial funds*** of the country," out of which it was impossible to guarantee the payment of more than a lakh of rupees "without fail†††."

66. The actual state of affairs as they stood in the year 1794 when the Agreement was concluded was as follows. The British Government was actually administering the country in the name of the Raja, under the shadowy authority of the Constitution‡‡‡, through its Resident assisted by three other British officers stationed at each of the three capital towns of the Sircars of Chunar, Jaunpur and Ghazipur. The Raja had the nominal charge of his country, and was kept in touch with its affairs by means of the Kutchery in the Resident's office§§§. To legalize the Resident's

* Duncan Records, Vol. II, page 110

† Duncan Records, Vol. I, page 43

‡ Duncan Records, Vol. II, pp. 136, 141 and 148. Also Ross correspondence Vol. I, p. 529. Letter of Lord Cornwallis to Court of Directors, dated 3rd March 1788

§ Duncan Records, Vol. I, page 50.

|| Duncan Records, Vol. I, page 113.

¶ Ibid, pp. 72, 73, 94, 95.

** Ibid, p. 49.

†† Duncan Records, Vol. I, page 116.
‡‡ Ibid, p. 205.

§§ Ibid, p. 243.

||| Ibid, p. 243.

¶¶ Forrest's Selections, Vol. III, p. 197-99, also Appendix No. XII.

*** Duncan Records, Vol. I, p. 243.

††† Article I of the Agreement of 1794, Appendix No. X. Aitchison's Treaties, Vol. I, p. 72.

‡‡‡ See Duncan Records, Vol. I, p. 125, para. 3. "The establishment of Resident's authority was no more than a substitution of control of Nabs to which he (Raja) had been bound to submit."

§§§ Duncan Records, Vol. I, pp. 139 & 142.

* Duncan Records, Vol. I,
p. 226.

† Duncan Records Vol. I,
p. 51.

‡ Duncan Records, Appen-
dix C, p. XLV

proceedings he (the Raja) "affixed his signature to all documents as a matter of course, after that of the Resident, without any control or interference*." There were independent courts of justice established in various parts of the Province dispensing justice on the lines of the Company's courts in the adjoining Province of Bihar, albeit presided over by "native" judges. The land was permanently settled. The Raja was in receipt of the major portion of the surplus revenues of the Sircars. The promise of the Government to restore the Raja to the uncontrolled administration of the country, as soon as the fiscal and judicial Reforms were completed, stood good as the "leading principle in the Government's political connections with the Raja‡," and required to be redeemed. The Agreement of 1794 consolidated all these existing arrangements, and gave them the required legal sanction which was wanting. This Agreement also served to save the Government from an awkward position, which it had created for itself, by not redeeming its solemn promise to restore the Raja to the management of his country, by a certain specified date‡. The Raja could no longer claim it under its provisions.

§ Duncan Records, Vol. I,
p. 35.

|| Duncan Records, Vol. I,
p. 125.
¶ Ibid.

** Ibid, p. 130.

†† Duncan Records, Vol. I,
pp. 24-37.

‡‡ Ibid, p. 112.

67. It will be now worth considering why this Agreement was at all concluded when the restoration of the Raja to the administration of his country would have automatically solved the difficulty. The answer is obvious. There was no guarantee of the continuance of these reforms under the Raja's régime. Although the Resident "had.....never yet ultimately despaired of effecting the Board's wishes" (the restoration of the Raja to power) "more especially in regard to the regulation of the country at large so as if possible to establish such a system as might leave but little to the Raja's own acts.....but to render the security of the inhabitants dependent on the operation of permanent Regulations trusting as little as possible to the will of the immediate Ruler§;" and although the Resident under Government's instructions "omitted no opportunity of explaining to him" (the Raja) "the principles of the same" (administration) "and of the utility of the courts of justice and the indispensable necessity of regulating the determination of justice by fixed laws instead of discretion||.....as from habit and education he (the Raja) could not be qualified to form a just idea upon these subjects¶;" and further although the Resident "took the Raja with him on circuit to make him as much as possible a party to the settlement" and made him establish a Daftar of his own in the Resident office to keep himself "informed of the affairs of his country**," still "such was the undignified idea entertained of him" (the Raja)..... "and such the unwillingness of people in general to submit to, and still less to promote his aggrandisement or to reliance in his acts that time alone, if ever, effectually confirm his respectability††." The Resident therefore distinctly reported that "he esteemed the risk of his (Raja's) failure too great to desire that Government should make such an experiment" (the Raja's restoration to power) "upon the *ground of any positive recommendation on his*" (Resident's) "part‡‡." (The italics are mine.)

§§ Duncan Records, Vol. I,
p. 156.

||| Appendix C of Duncan
Records, Vol. I, p. XLV.

68. Mr. Duncan's influence with the Government was supreme. His advice was not to be treated lightly. He did not only press upon the Government the disastrous consequences of the Raja's restoration in writing, but even went down to Calcutta in person to interview the Governor-General in this behalf§§. The result was that to escape the embarrassed position in which the Government had placed themselves, by their repeated pledges to the Raja's restoration, not only at an early, but by a definite date|||, and also to legalise the reforms which were carried out in the name of the Raja but without any constitutional authority they had had recourse to the Agreement of 1794, to continue and legalize the *status quo*.

69. In order to come to a decision whether this Agreement was intended to be effective only during the life-time of Raja Mahip Narain, or was also meant to keep the successors of that Raja out of the administration, for ever, it will be necessary to examine the events, and the letter and spirit of the correspondence, which preceded and succeeded its conclusion. It will also be useful to consider how far, if at all, it affected the rights and privileges of the Raja in the four Sircars which were conferred upon him in perpetuity in the year 1781.

70. To begin with, it would be of vital importance to consider whether the assent of the Raja to the Agreement of 1794 was voluntarily given with full appreciation of its consequences, and if so what the Raja was made to understand of it; and whether the Raja understood it to be a temporary or permanent Measure. The Resident distinctly reported to the Government that "unhappily the Raja's education and habits tended to prevent him" (the Raja) "so readily distinguishing the measure contemplated, from those that were.....but yet Mr. Duncan" (the Resident) "did not despair to gain in due time his" (Raja's) "ultimate assent, if not of convincing his" (Raja's) "understanding*." In plain words he promised to obtain the Raja's nominal consent, without making him understand the real effect of the contemplated measures upon his rights and authority. And as a first tactical step towards that end, the Resident made himself "more tender than he might otherwise have been of exercising even the usual degree of control in respect to the Raja's or his officers' management.....". Having thus paved the way, the next step was to take the wily and unprincipled Sukh Lal into his confidence, and make him obtain the Raja's assent, which so far as Sukh Lal was concerned was a foregone conclusion, as is evident from his assurance given to the Resident before he mentioned the fact to the Raja, that "he entertained little or no doubt†" about the Raja's acquiescence. How the imbecile Raja was made a dupe of Sukh Lal's intrigue has already been stated in detail in above paragraphs and need not be repeated here. But what was the Raja made to understand of the effects of the new measures and of their consequences to him or to his posterity? In giving his so-called assent he said "that during the last six years of the present Residency, he had scarcely been made sensible of, or felt any irksome diminution of his authority, and that he was now also, for agreeing to what the Resident had proposed§." Nothing can be clearer from this than that the Raja was made to understand that the new proposals were not designed to cause any "irksome diminution of his authority." And in order to keep him to continue in his blissful dream, the continuance, of his seal and signature, and of his office and treasury, which were the only tangible vestige of his authority at that time, was guaranteed in the new document. The introduction of British laws and Regulations, or the substitution of "native judges" by "English gentlemen" could not have struck the Raja as anything extraordinary. British laws and regulations were already in force in Benares, of course with no legal sanction, and the British Resident and his British assistants were already dispensing justice, their courts being the supreme courts of appeal||.

71. I hope I have proved to Your Excellency's satisfaction that this Agreement was not concluded with Raja Mahip Narain with his assent, expressed voluntarily, or with an intelligent appreciation of its effects and consequences. In any case he was quite incapable of expressing a free and considered opinion owing to his being a total mental and physical wreck by this time.

72. I would now try to convince Your Excellency, that this Agreement was neither meant to be permanent, nor intended to substitute the British authority for that of the Raja, which would mean the annexation

* Duncan Records, Vol. I, pp. 218-219.

† Ibid, p. 219.

‡ Ibid, p. 226.

§ Duncan Records, Vol. I, p. 226, para. 2.

|| Ibid, p. 43.

of the Province of Benares to the Company's dominions. To this purpose I would humbly invite Your Excellency's attention to the following points :—

* Aitchison's Treaties, Vol. I, p. 64.

(1) The Province of Benares was granted to Raja Mahip Narain "in perpetuity," under a Sanad, "from the terms of which under no circumstances shall there ever be a deviation or failure*." It is quite unthinkable that the British Government, whose scrupulous regard for its treaties and obligations is proverbial, could have ever thought to treat this solemn document as a scrap of paper, and taken advantage of the imbecility of a ruler to nullify it, in spite of their repeated assurance to the contrary. The agreement in fact reaffirms the original grant and alludes to it in the preamble.

† See the Preamble of the Act VII of 1828.

(2) The Agreement if treated as a final arrangement for all time to come is absurd and impracticable. It is incapable of being followed either in letter or in spirit if given full effect to. In fact it did prove to be so. As soon as the Raja, who was supposed to be a willing party to it, was dead, only a few months after its conclusion, its provisions began to be, necessarily, observed more in their breach than in their observance, till before many years were out it ceased to have any but a casalembical value. Its total failure was in fact formally and publicly admitted when the Act VII of 1828 was passed†. It would appear ludicrous to-day, if the Raja of Benares were, to challenge the validity of the British grants in the Province of Benares, in the absence of such grants having been signed by them, as provided for in the second article of the Agreement, or to insist upon their consent being obtained as a *sine qua non* to the introduction of any law or procedure by British authorities on the strength of the preamble of the Agreement. If this document was really meant to serve any practical purpose it must have been intended to be a temporary arrangement, to be effective during the life-time of Raja Mahip Narain.

(3) The Agreement nowhere says that it was meant to be a permanent measure. There is no such word as "perpetuity," "for all time," or "permanent" used in it. The actual word used in the original document is *ابدية* and not *مستديم*. It further purports to be an Agreement between the Resident, on behalf the East India Company, and Raja Mahip Narain Singh; which clearly means Raja Mahip Narain as an individual. Raja Mahip Narain does not enter into this Agreement on behalf of himself and his heirs and successors, as the Resident does on behalf of the Company's Government. In fact the Agreement does not even say that it was concluded between the East India Company and the Raja of Benares but distinctly says to have been so concluded between the Company and Raja Mahip Narain Singh. It was thus clearly an agreement between the Company and Raja Mahip Narain Singh as an individual, and as such cannot be, justly, made applicable to his successors.

(4) The guarantee of the continuance of Raja Mahip Narain's seal and signature to all revenue papers, and of his office and establishment, at the public expense, would be absurd, if not ludicrous, if the Province, finally, went to the British Government, and became an integral part of British India.

‡ Duncan Records, Vol. I, Appendix K, p. CVI.

(5) Even after the conclusion of this Agreement the British Government did not consider itself competent to settle the *pergannah* of Agori Barhar in the Sircar of Chunar with the son of Adil Shah, the former zemindar without the consent and approval of "Raja Mahip Narain Singh Babadur who is zemindar of the whole four Sircars of the zillah of Benares‡." By so doing the British Government clearly recognised that

the Agreement of 1791 did not in the least affect the rights and privileges, secured to my House under the Sanad of 1781. This position was further strengthened, and confirmed by subsequent Sanads, granted to the two successors of Raja Mahip Narain, *i.e.*, to my grandfather, Raja Udit Narain and to my father Raja Ishwari Prasad Narain, in the years 1796 and 1835 respectively, in which the two grantees were clearly and unmistakably designated "permanent zemindar of the Sircars*." My father died in 1889. And if he continued to be the permanent zemindar of the four Sircars till his death, as late as the year 1889, surely there has occurred nothing since then to deprive me, his successor, from the enjoyment of this valuable patrimony inherited from my father..

(6) And if there was any the least doubt about the temporary nature of this Agreement, it was set at rest by the Government itself in making its provisions applicable, individually, to each successor of Raja Mahip Narain, which would not have been the case if the Agreement was intended to have been concluded once and for all. Both the Sanads, granted, to my grandfather, and to my father, referred to above, clearly state that the "Raja will be bound to comply with the stipulations specified in the above Agreement†" (of 1794). There can thus be no doubt that the Agreement was intended to be effective only during the life-time of Raja Mahip Narain, and was afterwards made applicable individually to his two successors, and as such was only meant to be effective during the life-time of each individual recipient of the Sanad.

(7) Raja Mahip Narain as an individual member of the "reigning family‡" of Benares had no right, or authority, to enter into any agreement, having the effect of permanently depriving his family and posterity of their valuable possessions, to which he himself had succeeded by happening to be the "next reversionary heir," after two of the more rightful heirs to the Raj had waived their claim in his favour§. The four Sircars were granted to Raja Mahip Narain and his successors "in perpetuity" and as such he alone had no authority to enter into any arrangement affecting his successors, more especially when he had three sons living at that time.

(8) The Resident in recommending the Agreement to the Raja's acceptance, through Sukh Lal, clearly said that "the Raja's being habitually afflicted with epilepsy was the one principal cause why our Government had been obliged to interpose *further* in the administration of the district of Benares than otherwise might have happened||." There can be no clearer admission, than this, of the fact, that the Agreement was meant to be a "*further*" interposition on the part of the Resident in the administration of Benares, owing to Raja Mahip Narain's hopeless infirmity. I have italicised the word '*further*' in order to show that this new "interposition" was one of the series of such "interpositions" which have been going on from year to year since the accession of Raja Mahip Narain and as those "interposition" were clearly stated to be strictly temporary¶ this "*further*" one was no exception to the general rule.

(9) The Agreement if accepted to be a permanent arrangement could be interpreted, to mean, either that the Company's Government annexed Benares to its territory, or took upon themselves the task of administering it in trust for the Raja, owing to his being a disqualified proprietor. The recognition in the Agreements of the Raja's right to have his seal and signature affixed to all revenue grants, and to continue a separate office and treasury of his own at the public expense, together with the reaffirmation of the rights secured to my House by the original grant of 1781, in succeeding Sanads** after the year 1794, would be repugnant to the former

* Atchison's Treaties, Vol. I pp. 74 and 75, Nos. XXXI and XXXII Also Appendices Nos. VIII and IX to this Memorial

† See the Sanads referred to above

‡ Narrative of Warren Hastings (Report from the Committee of the House of Commons, Vol. V, p. 512, col. 2).

§ Ditto; also Forrest's Selections, Vol. III p. 806

|| See Appendix No. XI to this Memorial.

¶ Forrest's Selections, Vol. III, p. 1101, Proceedings of the Secret Department of 18th June 1784.

** See the Sanads granted to Rajas Udit Narain Singh and Ishwari Prasad Narain Singh.

interpretation. The latter could therefore be the only rational interpretation of the Agreement, more especially in view of the fact that the account of the receipt and disbursement of the revenues of the four Sircars were expressly stipulated by the Government, not to be amalgamated with the accounts of the Company's Provinces but to be kept separate as it was "incumbent upon the Government to examine every expenditure that might be chargeable to the Raja's account with the same attention as the public disbursements*."

* Duncan Records, Vol. I,

73. By a critical discussion of the terms of this Agreement, I venture to hope, that I have succeeded in convincing Your Excellency that the arrangement contemplated by it was originally intended to be purely temporary. Its continuance to this day can only be ascribed to two causes, as I can under no circumstance even dream to ascribe it to the wilful intention of the British Government to take advantage of this compact, in order to nullify their solemn treaties and engagements, and their oft repeated promises to my predecessors.

74. The first cause, which appears to have contributed mainly to the continuance of that arrangement, was the minority of the two successors of Raja Mahip Narain when they succeeded to their rights. My grandfather Raja Udit Narain was only 13 years of age, and my father Raja Ishwari Prasad Narain of 14 years, at the time of their respective successions. The reforms effected under the provisions of the Agreement, were hardly consolidated, and it was not reasonably expected that they would continue and develop if left to the Rajas. This was especially to be feared as there were no officers of trust, integrity or experience about the infant Rajas, to administer the affairs of the Province on right lines in their behalf. The result was that the provisions of the Agreement, which ceased to be operative after the death of Raja Mahip Narain, were extended and made applicable to his two successors, not by virtue of any mutual agreement, but under the executive orders of the Supreme Government. And the arrangement, thus continued over a series of years, came gradually to be regarded as an accomplished fact which should not be disturbed; and with the lapse of time covering the span of three generations, produced a strong disinclination to hand over the territory to the successors of its former rulers.

75. The second cause which operated against the discontinuance of the arrangements of the Agreement, was the confusion which followed after an almost sudden departure of Mr. Jonathon Duncan from Benares, just after the conclusion of this Agreement, to take over charge of another, and more important, office. There were Government orders which were issued to him verbally and were not reduced to writing. Many instructions were contained in his private notes mostly on scattered papers†. The almost hopeless confusion in which the Residency records of that time had fallen, and the efforts which one of the successors of Mr. Duncan had to make almost half a century later to make them see the light of day, cannot be better described than in the words of Mr. Reade himself, who was the Commissioner of Benares division in the year 1850, from whose report, dated the 31st October 1850, I take the liberty to make the following quotations :—

† Report of Mr. Reade, the Commissioner of Benares, dated 31st October 1850, paras. 5 and 30, see Appendix No. XVI to this Memorial.

(a) "There are no records, I must remark, in this office prior to 1802 when the province of Benares was placed under the jurisdiction of the Board of Commissioners by Regulation I of that year, and therefore when enquiry into matters of prior date is necessary it involves a laborious and rarely satisfactory search amongst the Collectorate records. These are imperfect; a portion was on one occasion destroyed by fire, on another by boat wreck. It is

not a light task to attempt to *dispel the mist of obscurity* which in this case, it will be seen, Mr. B. F. Macleod, notwithstanding his fitness, and evident research, has been compelled to acknowledge himself *unable to clear away* to his own satisfaction. But during the last three years, and specially the last six months, by search through the records of this office, and those of the Collector, the Agent to the Governor-General, and the Raja, I have been enabled to glean facts and documents which will, I hope, enable me to give a clearer exposition of the present matter than has yet been furnished, and enable the Board and Government to come to definite conclusions.* He further on says: "The facts I have related have been gleaned by a laborious search through records extending over more than half a century. Most of the documents, copies of which are annexed, have lain buried probably for nearly that time in several chests of *refuse* records which I have taken from the Collectorate, and had separated and arranged in this office. Lately, too, I have had unexpected testimony in support of the correctness of particulars. Mr. Jonathon Duncan's clerk, who received the farm of two Mahals for the term of life, for his services, is still alive, and at the advanced age of 87 still retains the possession of his faculties, with keener remembrance of the events of the past century than of the occurrences of the last year. He has furnished me with the clue which has enabled me to trace the abolition of the Mulki Treasury and its temporary revival†."

* Appendix No. XVI to this Memorial.

76. Latterly when Mr. Reade became a member of the Board of Revenue he again reported to the Government touching this subject and said "*most of the documents which support this statement of facts have come under my notice only in the last few days. It appears that when Mr. Duncan's loose records were sent to the Commissioner's office for arrangement in 1850, those in the press under the charge of the Registrar of records, an office abolished many years ago, remained in the receptacle which they have occupied unnoticed and unknown‡*" (the italics are mine).

77. Having thus discussed at some length the nature and real import of the Agreement of 1794 and of its effect upon the subsequent history of my House, I, with Your Excellency's gracious permission, would resume the thread of the political history of my family, beginning from the death of Raja Mahip Narain Singh.

78. Raja Mahip Narain, the unfortunate epileptic and imbecile Raja, who was induced to put his seal and signature to a document which, quite against his expectations, resulted in such far-reaching consequences to his posterity, died in 1796 and was succeeded by his son Raja Udit Narain Singh.

79. Raja Udit Narain, when he succeeded, was a youth of some 13 years of age with no experienced or capable officer about him. A sanad, dated the 30th September 1796, was granted to him by the British Government. It provided that the zemindaries of the four Sircars have "with the same privileges and rights as enjoyed by his father Mahip Narain Singh deceased, been confirmed unto him by the Company's Government," and it further called upon the inhabitants to consider "the said Raja as *permanent* zemindar of the Sircars, and to obey.....his orders||." It also "bound" the Raja "to comply with the stipulations specified the above Agreement¶" (of 1794). In other words the rights and privileges embodied

† Note by the Junior Member of the Board of Revenue on the allowances paid to the Raja of Benares under the names of Mulki Treasurer, Daftar San and Stationery, Appendix No. XVII to this Memorial.

‡ Appendix No. VIII to this Memorial, also Aitchison's Treaties, Vol. I, p. 74 (XXXI).

|| Ibid.

¶ Ibid.

* Appendix No VIII to this Memorial, also Aitchison's Treaties, Vol I, p. 74 (XXXI).

he having inherited them in his own rights* ; and the provisions of the Agreement of 1794 were made applicable to him, as they would not have been automatically applicable in his case.

80. In 1805, after Raja Udit Narain Singh had attained majority, he presented a memorial asking for the annulment of the agreement of 27th July 1794, and for the restoration to him of full powers of government in the four Sircars, and in his family jagirs. The Raja contended that the offending Agreement was a temporary arrangement, which was valid only during his father's life-time, and was not meant for his posterity.

81. But this appeal was in vain, and the Government refused to reconsider the position. The Raja, however, continued to press his claims with increasing vehemence and vigour. But far from considering his prayers, or deciding the memorial on its merit, the government summarily rejected it, and in order to effectually silence him, a Regulation (VII of 1828) was passed which treating the provisional Agreement of his father as final, and pronouncing its operation a failure†, enacted that the Raja even in his Family Domains should become almost a cipher‡.

† Preamble of Act VII of 1828.

‡ The Act VII of 1828.

§ Letter from the Secretary of the Governor-General to Messrs. Pakenham W. Fuke and W. H. Macnaghten, dated the 19th November 1830, para. 1.

|| Letter from the Secretary to the Governor-General to the Deputy Secretary to the Government, dated the 2nd April 1831, para. 13.

¶ Letter from the Deputy Secretary to the Government to the Secretary to the Governor-General, dated the 24th of May 1831.

**Letter from the Secretary of the Governor-General to the Deputy Secretary to the Government, dated the 31st of June 1831, para. 2.

82. When Lord William Bentinck became Governor-General in 1830 Raja Udit Narain appealed to him, and we have it from His Lordship himself, that the Raja's representations impressed him with the belief that injustice had been done in his case§. But beyond this expression of sympathy nothing was done to redress his wrongs. Even his "most moderate request" to be furnished with copies of certain Government orders and proceedings preparatory to his appealing to the Court of Directors at Home||, although recommended by the Governor-General in the first instance¶, was ultimately rejected by him, in deference to the strong opinion of the vice-president of the Council against the grant of the Raja's request*. But the Raja undaunted by these failures and sanguine that justice must eventually prevail, continued to press his claims, but without any better results. In January 1833, he submitted his last memorial, which after a fervent appeal for justice, concluded with these words: "If none of your memorialist's prayers be complied with, he begs to inform Your Lordship, that he is not able to endure farther indignities, nor is he able, if deprived of all power, to retain his territory any longer" (meaning the Family Domains which were still nominally his). "And if Your Lordship will desire, Your memorialist will withdraw all his officers from his ancestral domains, and retiring into obscurity, will roam about the jungles and thus prevent himself from suffering further indignities, and then the Government may dispose of his territories as they may deem fit." This sad appeal for justice was still under the consideration of the Government when the Raja died (in the year 1835) a broken-hearted and bitterly disappointed man, with his dearest hope shattered, and lowered in the estimation of his own subjects.

83. I am reluctant to believe, that the British Government, which has always professed the most scrupulous regard for its solemn pledges, refused to recognise the claims of Raja Udit Narain Singh from sordid motives of greed or expediency, when other reasons suggest themselves as an explanation. In the early years of the nineteenth century considerable misunderstanding prevailed regarding the status and rights of the Princes of India, and the import and significance of the engagements entered into with them. The early records of the Government were little known and rarely consulted, as no compilation of treaties, or history of the circumstances leading up to them, existed. The Cornwallis' correspondence was not published until 1858, Aitchison's Treaties not until 1863, and Selections from the Duncan Records not until 1873. There was thus a complete misconception regarding political relations between the British Government and the State

of Benares¹. At the same time the temporary arrangements made, had taken on the garb of permanency. The actual power and authority of the British Government in the four Sircars was progressively increasing, interests had become vested, and it was difficult to cry a halt. It, was, I prefer to believe for these and analogous reasons, that the British Government refused to recognise the just rights of Raja Udit Narain Singh.

84. In March 1835, my father Raja Ishwari Prasad Narain Singh succeeded his uncle Raja Udit Narain Singh to the nominal rulership of Benares. He was then a boy of about fourteen years of age.

85. On the 29th of July, 1835, a Sanad was granted to the new Raja, in terms similar to the one granted to his predecessor*. By its terms, the zamindaries of the four Sircars were confirmed unto him, "with the same privileges and rights" as were enjoyed by his predecessor, and the inhabitants were enjoined to "consider the said Raja as permanent zamindar of the Sircars and to obey his order[†]." He was also bound "to comply with the stipulations specified in the above Agreement," (of 1791*).

86. When the great Mutiny of 1857 broke out, the Raja, like his predecessor Balwant Singh, unreservedly placed all his resources at the disposal of the British Government. And although the vicissitudes of time had crippled his resources almost to nothing, still he managed to make a free gift of his horses, to equip the British guns, when Sir Henry Havelock advanced from Benares to Allahabad. He likewise furnished horses to mount the British Volunteer Cavalry, and made over his elephants and camels for the transport of ammunition and stores. He threw open his palace at Ramnagar to European ladies and gentlemen who stood sorely in need of shelter, and by lending his troops to guard the city, set free the Government troops for active fighting. When all direct postal communication between Benares and Agra was interrupted, the Raja, at considerable personal cost organised an intelligence department, and maintained communication between those cities, through his own messengers for several months†. In short, he proved himself a faithful vassal of the Crown, and a worthy representative of his loyal House.

87. For these loyal and eminent services my father received the thanks of the British Government†. His salute was permanently raised from 11 to 13 guns and he was also raised to the status of a Maharaja. These honours, however, although flattering to his dignity, brought no material, or political advantages in their train. In 1862, when Sanads were granted to Princes and Chiefs of India "who now govern their own territories‡" regarding the recognition of heirs adopted by them on failure of natural issues, my father was presented with such a Sanad, clearly showing thereby that as lately as 1862, the Crown, which had succeeded the East India Company in the Government of this country, recognised the Status of the Raja of Benares as that of a "prince governing his own territory," inasmuch as this Sanad was granted only to Ruling Chiefs, and was refused to those who were not regarded as enjoying that status§.

* Atkinson's Treaties, Vol. I, page 75 (XXXI) Also Appendix No IX to this Memorial

† Letter from His Excellency the Governor-General to the Raja of Benares and also of Mr H C Tucker, Agent, Governor-General, dated 13th February, 1858

‡ See Sanad of adoption granted to the Raja of Benares Atkinson's Treaties, Vol. I, p 76 (XXVII).

§ See Correspondence between His Excellency Lord Canning, Viceroy and Governor-General of India and the Secretary of State regarding the grant of the adoption Sanad to the Ruling Princes and Chiefs of India.

¹ The early records of the Government were in such a confused state in the early days of the British rule, that even eight years after Raja Udit Narain's death, Lord Ellenborough, the then Governor-General, felt the greatest inconvenience, when he discussed Gwalior affairs in 1843, from the absence in a compact and collected form of State papers, showing the relation of the British Government with the House of Scindia, (see Earl of Ellenborough's despatch to the Duke of Wellington, 1844.) So deficient was the information that His Lordship after the battle of Pannar and Maharajpur, based his policy with regard to Gwalior, on information found in an old history of the Maharattas, discovered by his Under-Secretary in the China Bazaar of Calcutta. It was to dispel this general darkness which hung over transactions with Native States, that Lord Ellenborough's Under-Secretary in the Foreign Department first compiled a book of treaties and historical notices which was republished by order of the House of Lords in the year 1853.

88. In 1889, Maharaja Ishwari Prasad Narain Singh died, and I was succeeded by me, Your Excellency's memorialist, being his nephew and adopted son. When I succeeded to my titles I found my position exceedingly anomalous, and of great humiliation. Although a Ruling Chief in the name, and treated as such on ceremonial occasions, and although the descendant of a line of ruling princes and the *de jure* ruler of the four Sircars and of the Family Domains, I did not in fact possess a vestige of actual authority in any of these territories. And to make matters worse still, the nominal status of a Ruling Chief, which was accorded me on ceremonial occasions, was at times denied, at the whim of the authorities that be, much to my humiliation, so much so that, had it not been for the gracious courtesy of His Excellency Lord Curzon, I would have failed to obtain even a seat at the Coronation Darbar of 1903 among men, the ancestors of some, at least, of whom, had not achieved prominence at the time, when my predecessors were described in Parliament, as allies of the British Government.

89. This downward tendency became gradually so pronounced, that my very existence as a political unit appeared to be almost doomed. There was, thus, nothing left for me but to approach the Government with a prayer to either mend or end the anomaly of my position once and for all. After years of protest and endeavours, and after meeting with many refusals as had been the lot of my predecessors, justice was at last meted out to me, and I was granted a permanent and defined status among the Ruling Princes of this country, a portion of my Family Domains having been transferred to my rule.

90. I need not refer here to my anxious endeavours to administer my newly acquired territory, on sound and approved lines, and to prove myself worthy of the confidence reposed in me by the Government by the change in the nature of jurisdiction, as I can confidently leave this to the testimony of Government officers. I would similarly refrain from making mention of my services to the Crown, either in peace or in war, as I deem it as my first duty, if I am no unworthy representative of my loyal House.

91. This completes the political history of my family with critical notes which I have taken the liberty to annex by way of elucidation. With Your Excellency's gracious permission, I would now make a few observations, by way of explaining certain inconsistencies, and incongruities, which have often tended to confuse and compromise the real status of my family.

92. By a detailed narration of the above history, I hope, I have succeeded in convincing Your Excellency, that the title of the Rajas of Benares to be classed as Ruling Princes, is in no way inferior to any of the other Ruling Houses in this country. My forefathers came into possession of the four Sircars, originally through a grant from the Delhi Emperors, and enlarged and consolidated their possessions by conquest. Their position as rulers of the acquired territory was afterwards recognised, and confirmed by Nawab Vizir of Oudh, through the intervention of the British representative, the Governor-General. Latterly when Benares passed to the suzerainty of the East India Company, the status of my forefathers as independent Rulers of the four Sircars under the British Crown, was recognised by the East India Company.

93. Of course the Rajas of Benares were often designated "zemindars," and their possession called zamindari, and this fact together with the frequent use of such words as Pattas, Kabuliats, revenue, rent, or malguzari, in their connection has often misled people, and even Government officers,

in supposing that the status of the Rajas of Benares was not that of a Ruling Prince. But a consideration of the following facts, will serve to dispel this illusion.

94. The Moghal Emperors, who were the immediate predecessors of the British power in the Government of this country, refused to recognise the right of any prince or chief to hold his country independently of them. They claimed to be the sole proprietor of the Indian soil, and its *one* Ruler, and the *one* fountain head, from whom all honours and titles were derived. This claim was subsequently inherited by the East India Company, the successors of the Moghal Emperors, and was literally, and disastrously, given effect to by the Government of Lord Dalhousie, by making all round confiscations, on the ground of escheat. The Moghal Emperors, and after them the East India Company, often used to denote the Ruling Chiefs by such words as Zemindar, Thakur, Choudhari, and the like* in order to emphasise their Subordinate position. Even the Rulers of Oudh who were quite independent of the Emperors of Delhi, enjoying full sovereign powers, including the power of making peace and war, had to be content with the title of "Vizira" (ministers)†. Asafjah, the founder of the great House of Hyderabad was, and his successors are still, designated Nizam or Nazim (an officer charged with a local administration)‡. The great Marhatta Houses of Western India could show no better documentary titles than that of being officers under the Peshwas§. Even the East India Company, after they had become virtual sovereigns of Bengal, assumed the documentary title of Diwan or Revenue administrator in 1765. "At what precise time" remarks Mr. Field, late Judge of the Calcutta High Court, "the Company exchanged the character of subjects for that of sovereign, and obtained for the Crown the rights of sovereignty, is by no means clear. There can be no doubt that, at the beginning of 1806, the sovereignty of the Bengal Presidency had been acquired and the British Power had become paramount in India||." It is obvious, therefore, that the precise status of the different powers, and Ruling Houses, which arose in the eighteenth century cannot be correctly interpreted, and understood merely from the documents which those houses have to show. The Ain-Akbari is full of the word zemindar used in respect of most of the Ruling Houses which existed in those days. The Chiefs of Cooch Behar and Bhaonagar were so designated even by the British Government up to the middle of the last century¶. Many Chiefs of the Tributary mohals of the Central Provinces, as well as those of the Kathiawar, Mahikantha and Rewakantha agencies, and the chiefs of the Southern Marhatta country, are still called Zemindars, Talukdars, Thakurs or Jagirdars**. The payment of the Chiefs of Faridkot, Cooch Behar and Bhaonagar was designated as revenue, or malguzari††, the engagements of the Chiefs of the Central Provinces are still called pattas, and Kabuliats‡‡, and even the Agreement of such an important Prince as the Nawab of Rampur was at times called "kabuliat§§." The states of the Chiefs of Kathiawar, Central Provinces, Orissa and Nagpur have been settled under British authority, and in case of some of these are subject to periodical revision, and enhancement of rent|||. The powers of the Chiefs of Bandelkhand are regulated, suspended, and restored at every succession¶¶. The immunity of some of these States from the introduction of the British laws, is only effected by means of special regulations***. The chiefs of Loharu, Pataundi and Faridkot were created Ruling Chiefs by the British Government, as rewards for the services of their forebears††† and similar observations may be made in respect of the Chiefs of Kashmir, Jhallawar, Mysore and others, too many to mention‡‡‡.

95. On the other hand the Rajas of Benares were recognised Ruling Princes from the very beginning§§§. The word zemindari in their sanads was expressly explained to mean Province||||. They were declared time and

*Tapper's "Our Indian Protectorate," page 191.

†Aitchison's Treaties, Vol. I, p. 77.

‡Aitchison's Treaties, "Hyderabad."

§Aitchison's Treaties, "Bombay."

||Field's Regulations of Bengal Code Introduction, p. 17.

¶Aitchison's Treaties, "Cooch Behar" and "Bhaonagar."

**See Aitchison's Treaties relating to these States.

††Aitchison's Treaties relating to these States.

‡‡Ibid.

§§Aitchison's Treaties, Vol. I, page 14.

|||Aitchison's Treaties relating to these States.

¶¶Ibid.

***Aitchison's Treaties relating to these States.

†††Ibid.

‡‡‡Ibid.

§§§Appendix No. XV to this Memorial.

||||Defence of Warren Hastings (Indian Courier Extraordinary, Vol. I, p. 255).

* Memorandum of statement made by Lord Northbrook, dated 23rd November 1875 (Appendices Nos. XII-XIV, to this Memorial). Also Bengal Secret Consultations of 12th June 1775 (Report from the Committee of the House of Commons, Vol. V, p. 618, col. 2).

† Secret Consultations, 4th September 1775 and letter from the Governor-General to the Court of Directors, dated the 21st of July 1775 (Report from the Committee of the House of Commons, Vol. V).

‡ Aitchison's Treaties, Vol. I, p. 59 (XXVI). Also Duncan Records, Vol. I, pp. 116, 121, &c.

§ Duncan Records, Vol. I, p. 24 and Vol. 2, pp. 1, 2, 13, 26, 27, 30, 31, 55, 7, 73, 89, 102, 110, 175, 176, 177, &c.

|| Fifth Report, page 45.

¶ See Warner's Protected Princes of India, pages 30-31.

again, not to be considered zemindars in the modern sense of the word*, and their Pattas and kabuliats were distinctly declared to be "treaties†." Their payments were called tribute‡, and their right to govern their territory was recognised under formal Sanads.

96. Throughout the eighteenth century every historical event bearing on the position of the Benares House, and every reference to the Rajas of Benares in the Duncan Records and Cornwallis Correspondence, since published, recognise the Rajas of Benares to be Ruling Princes, their territory being regarded a foreign country and not forming part of the Company's territory§. Even the celebrated fifth report submitted by the Parliamentary Select Committee in 1812 recognises that the House of Benares exercised "regal authority within its State in the eighteenth century||." In the phraseology of the nineteenth century Benares was recognised to be, *de facto*, a Native State, as defined by Sir William Lee Warner¶, under the suzerainty of the East India Company.

97. The word zemindar as used in the various Sanads or Pattas referred to above is apt to mislead only those persons who do not bear in mind the historical position of the zemindars during those times. If this position is borne in mind, and it is further remembered that the original Sanad granted to Maharaja Balwant Singh was made by the Delhi Emperor, that he had troops in his service and exercised all the rights and privileges which belong to sovereignty, that in the treaty between Nawab Suja-ud-Daulah and the English Company, dated the 13th August, 1763, the rights of Balwant Singh were specially protected, that in the Sanad granted to Raja Chat Singh on the 15th April, 1776, by the Governor-General in Council not only reference was made to the zemindari but also to the Aumeeny and Foujdary of the Sircars, that the Raja of Benares was allowed to mint his own coins, that in the Sanad granted to Raja Mahip Narain Bahadur the Aumeeny and the foujdary rights, were recognised, it is not fair to read the word zemindar in documents of this character in the sense in which that word is understood at the present time. In one word what is urged is that, notwithstanding the use of the word zemindar in documents relating to the Rajas of Benares, the fact remains, that when all his powers and privileges are analysed carefully in the light of the historical position prevailing in those times, he possessed those attributes which entitled him to be called a sovereign within the meaning of the decisions quoted in paragraphs 2-20 of this memorial.

98. And if there was still any doubt as to the real status of the Rajas of Benares, it was set at rest by the Government of Lord Canning in 1858, by the grant of the Sanad of adoption to my father, which was meant exclusively for "the Princes and Chiefs who now govern their own territories**," and subsequently by the government of Lord Northbrook in the year 1872, when His Excellency was pleased to observe that "the Maharaja of Benares both before and after the cession of the Province by the Government of Oudh, and both before and after the Agreement of 1781, was a Ruling Prince possessed of a limited sovereignty differing in no material respect from the sovereign powers enjoyed by Chiefs in Bundelkhand and elsewhere whose territories were acquired by the British Government from the suzerain of the Chiefs by cession or conquest††." A few years later in 1875 His Excellency was further pleased to declare that "The Government of India do not consider that His Highness is simply an influential zemindar to whom certain concessions have been made and have not and do not designate him as such. But he was averse from attempting to define the Maharaja's status by a single term such as feudatory, tributary or dependent as no

** See the Sanad of adoption Aitchison's Treaties, Vol. I, p. 76 (XXXIII).

†† Extract from the proceedings of the Government of India in the Foreign Department No. 256 R., dated Simla, 4th October 1872, para. 2.

though it would be advisable for the Resident to settle with the Raja the sum to be annually appropriable by Government to the purpose specified in the preceding paragraph so that he "(the Raja)" might be certain of receiving the remainder *whatever might be the amount of it*."

* Duncan Records, Vol. 1, p. 288, para. 1.

108. The Resident was further requested to "acquaint him" (the Raja) "that the surplus revenue which might be annually collected would be regularly paid to him, after deducting such part of it as he might voluntarily allow to be expended for the improvement of the zemindari and for defraying a proportion of the expense of the judicial establishment adequate to the amount which he now paid on that account." In a subsequent correspondence the Resident was again requested by the Governor-General in Council "to submit to the Board a statement of the whole expense of the proposed establishments, compared with the present expense of the Residency and the judicial charges defrayed by Government, so that they might have before them the net increase of expense that would be incurred, after deducting the sum that the Raja might agree to pay from the surplus collections in part of the charges."

† Ibid, p. 227, para. 1.

‡ Ibid, p. 242, para. 2.

109. The above quotations of which, I have taken the liberty to italicize certain portions, suggest a few observations: First, that the whole of the surplus revenue was placed at the disposal of the Raja, and it was left to him to allow the Government to appropriate any portion of it for certain well defined improvements of the country, if he so chose. Secondly, that the receipts from the customs were to go to the Company's account, and they (the Company) were entitled to only that portion of the land revenue which represented the sum of forty lakhs (the tribute payable) minus articles of deduction and minus customs receipts. Thirdly, that only that portion of the expenses of the judicial establishments which used to be debited to the Raja's account (*viz.*, the expenses of the mufasil courts as distinct from the Courts established at the Headquarters of the Sircars) were to be transferred to the Company's credit when the final accounts were adjusted.

110. At the same time it was decided that the receipts from the Province of Benares were not to be amalgamated with the receipts from the Company's provinces, and the British Collector appointed by the Government to make the collection of revenues from the four Sircars was instructed to "submit to them" (the Board of Revenue), "*the Mulki accounts*" (the account of the four Sircars) "that they might come under the revision of the Board equally with the *Government accounts* as the Board" (Governor-General in Council) "considered it *incumbent upon them* to examine every expenditure that might be chargeable to the Raja's account with the same attention as the public disbursements." (The italics are mine.) This quotation will farther serve to prove that the Government took upon themselves the task of administering the Province in trust for the Raja and considered it "incumbent upon them" to examine every item of expenditure carefully, to prevent the Raja's account being wrongly debited.

§ Duncan Records, Vol. 1, page 230, para. 4.

111. But the Resident was of another opinion. He wanted to fix the Raja's share of the surplus revenue in order to prevent "his (Raja's) annual income" becoming unreasonably large to the prejudice of the country which must..... be greatly benefitted by laying out of such surplus on its improvement." And without waiting for the Government sanction to his proposals he reported that "*he had had some means of ascertaining what would prove very agreeable to him*" (Raja) and recommended that "*as the annual surplus from the existing financial funds of the country could after defraying all the charges of collection.....*

|| Duncan Records, Vol. 1, page 243.

never in any future year fall below one lac and forty thousand rupees.....
...if Government were pleased to allow one lac of this surplus to the
Raja he would, *there was every reason to think, thankfully acquiesce.*"
(The italics are mine*.)

Duncan Records, Vol. I, pp.
142-143

112. It is clear from these quotations that the Resident, without furnishing any reason for his belief, took it for granted that "he had reason to believe" that the Raja "will thankfully acquiesce" in this arbitrary adjustment of the profits. At least the Raja himself never agreed to this as will appear from a consideration of the following facts. The Resident, when submitting the draft of the Agreement to the Government, "with a hope that in point of *form as well as substance* it might be honoured with the approbation of Government†" distinctly reported as regards the *form* that the "Raja having been used to that of Sawal, the few which were presented (none of which seemed in the least exceptionable) had been incorporated in the present Ikrunama" (Agreement) "with the exception of the first in which he had expressed a hope *that all the surplus revenue of Benares might be assigned to him*, clearly understanding at the same time.....that the Resident's Jawab or answer to that article was to limit his share therein to one lac of rupees as *his concurrence had before been expressed* in the matter‡." Can there be any clearer admission of the fact that this share of the Raja's surplus revenue was fixed without his knowledge and consent? In all previous correspondence on the subject the Resident used such expressions as "he" (the Resident) "had had some means of ascertaining what would prove very agreeable to him" (Raja) or "there was every reason to think he will thankfully acquiesce." But in the extract just quoted he says categorically that "his" (the Raja's) 'concurrence has before been expressed.' How and in what way this "concurrence" was obtained is a mystery which has still to be revealed. Nowhere in the long string of correspondence on this subject the Resident ever stated that he had obtained the Raja's assent to this limitation of his share, as he did in other matters in which the Raja's consent was required. On the other hand the Raja clearly said in his paper of requests, alluded to above that he hoped to receive all the surplus revenues without any deduction. Your Excellency will readily see that what the Raja was informed of the Government's proposals in this respect, was that "he" (Raja) "might be certain of receiving whatever might be the amount of it" (the surplus) also "that the surplus which might be collected would be regularly paid to him" and the like. I fail to find any reference to any correspondence in the Duncan Records or in any file in my possession to justify the Resident's assertion that the Raja consented to limit his share of the surplus to one lakh. In fact this adjustment of the surplus revenue was arrived at in consideration of the then "*existing financial funds of the country*"§ which did not admit of a surplus of more than one lakh and forty thousand of rupees‡. It is thus clear that, in equity, this payment of a lakh of rupees is susceptible of revision on the basis of the financial position of the present day. When the agreement was being drafted the point to be settled was what sum was likely to remain in hand after meeting all charges so that "he (Raja) might be *certain*§" of receiving it. And it was for that reason that the words "without fail||" were inserted in the agreement. In view of the then "*existing funds of the country*" no more than rupees one lakh and forty thousand were available as surplus and taking unforeseen contingencies into account the fixing of the payment to the Raja of one lakh of rupees "without fail" was a most reasonable rather generous proposal as the Raja had never received even so much in previous years since he came to the Raj. This sum of one lakh of rupees represented that portion of the surplus revenues which could be paid "without fail." In

† Duncan Records, Vol. I, p.
251, para 4.

‡ Duncan Records, Vol. I,
p 243.

§ Duncan Records, Vol. I,
p. 228, para. 5.

|| Article I of the Agree-
ment of 1794.

other words it was the minimum and not the maximum payable. Had this not been the intention there was no occasion for the words "without fail" appearing in the text of the agreement. It would have been enough to say that a sum of one lakh of rupees shall be paid to the Raja. In any case the right of the Raja to the full enjoyment of the surplus revenues of his zemindari was admitted by the Resident, and the fixing of the payment of the allowance to the Raja out of the profits of his property at one lakh was also alleged to have been made with his agreement. In other words the government of the day admitted the right of the Raja to dispose of the surplus revenues of his zemindari in any way he liked. If owing to mismanagement of the property there was no room for paying a larger sum to the proprietor of the four sircars, as allowance, when the British Government took charge of their management surely the proprietor has a right to demand a suitable addition to his allowance, when his property under good management yields a larger revenue and shows a larger surplus.

113. This view of the question was also taken by the Government officers in later years when dealing with the payment of this surplus revenue. Mr. L. J. Christian, the Secretary to the Board of Revenue, in his letter to the Secretary of the N.-W. P. Government, dated the 4th of August, 1854, clearly stated "that any modification" (of the amount of one lakh) "could only with reason have been claimed on the contingency of the net surplus revenue falling short of the annual estimate." Of course he meant the reduction of the amount paid to the Raja under unfavourable circumstances of the finances. But it is plain that if the payment was liable to curtailment in adverse circumstances it was equally liable to enhancement in favourable times. The Resident himself was not unmindful of this aspect of the question. The arbitrary principle underlying all his proposals in this respect was that the Rajas of Benares, being permanent zemindars of the four Sircars were entitled to the enjoyment of the surplus from the land revenue only and had nothing to do with other sorts of revenues more especially with excise revenues. When proposing the basis of the settlement of the amount of the Raja's share of the surplus revenues in his address, dated 13th October, 1794, he confined himself to the land revenue only*. He anticipated material increase from the tax on spirituous liquors but in his opinion they were exclusively Company's revenues†. Later on when addressing the Government in connection with the taxes on country liquors in Benares he made himself quite clear saying that "the Abkaree would prove a still increasing source of income the advantages of which the Hon'ble Company were now alone to receive, since the Raja had limited all his claims to the additional lac of rupees per annum that was already much more than provided for from the *surplus land revenue*". (The italics are mine.) In fact one lakh of rupees was already much more than what could have reasonably been expected, in view of the land revenues of the Sircars of those days. From the standpoint even of the Resident the Rajas of Benares are thus entitled to a revision of this payment in case the land revenue of the four Sircars admitted of it.

* Duncan Records, Vol. 1, pp. 242-243.

† Ibid.

‡ Ibid, p. 274, para. 2.

114. In indenting so much upon Your Excellency's time by a narration of the above facts in their tiresome detail, I have endeavoured to show how the rights and privileges secured to my family in respect of the four Sircars under most solemn pledges, by the British Government have been gradually encroached upon, without any fault of the members of my House until to-day we have been reduced to the position of a mere foreigner in those territories, and the temporary arrangements concluded with my great-grandfather are suffered to continue even now without any justification.

With Your Excellency's gracious indulgence I will now conclude this political history of my family with the following brief summary of it.

- (i) **Raja Balwant Singh (1740—1770).** This ruler enjoyed full ruling powers in the four Sircars including the exercise of civil and criminal jurisdiction, inspite of the attempts of the Ruler of Oudh to assert a nominal suzerainty over him. In 1764 the British Government encouraged him to enter into a *treaty* with the Ruler of Bengal, and solemnly engaged to protect and maintain him "*independent both now and hereafter.*"
- (ii) **Raja Chet Singh (1770—1781).** In 1773 Warren Hastings stated that Raja Chet Singh's title was due to the fact that Shuja-ud-Daulah had engaged to continue Raja Balwant Singh and his whole family and posterity in the four Sircars. In the same year Warren Hastings obtained for Raja Chet Singh a 'kaulnama' from Shuja-ud-Daulah which stated that it was made with the Raja and his heirs and should never be deviated from. Warren Hastings gave the Raja a letter confirming this arrangement, and informed him that he "was master in his own country." The British Government wrote to the Court of Directors that they had obtained a renewal of the Sanad on the same footing as that granted to the Raja's father, and that the Raja was *fully* invested with the "*government*" of the country. Warren Hastings negotiated an *amicable arrangement with the Raja for preferential tariff* on the Company's goods. After the transfer of the suzerainty from Oudh to the British, Warren Hastings referred to the four Sircars as a frontier to Oudh and Behar, and to the Raja as an *ally* who had always been so regarded. He also stated that the Raja should be totally freed from his present vassalage, and pledged the Government's faith that no encroachments should ever be made on his rights by the Company. The British Government, when deliberating the transfer of the suzerainty to them, resolved that no demand, other than the stipulated tribute, should be made on the Raja, nor any kind of authority or jurisdiction exercised within the four Sircars. Finally in 1776, after the transfer of suzerainty, the British Government granted to the Raja by a Sanad, the zemindari (Revenue), Amini (civil) and Faujdari (criminal) jurisdiction of the four Sircars, and the right of mintage and informed the Raja that they (the Government) were "determined to leave him" free and uncontrolled management of "the internal *government* of his country." The Raja's family was also referred to as the "reigning family."
- (iii) **Raja Mahip Narain Singh (1781—1795).** This Raja was, by his Sanad of 1781, granted amongst other rights, the Amini and Faujdari of the towns and places of the four Sircars, except of the town of Benares, "in perpetuity." The "Constitution" of 1784 provided that the Raja's seal and signature should authenticate all orders, and that his Naib should conduct the entire management and administration of the Province owing to the Raja's unfitness to conduct the affairs of the State himself. Mr. Duncan, the Resident, was requested to establish courts of justice in the towns of Ghazipur, Mirzapur and Jaunpur "*under the Raja's authority.*" By the Agreement of 1794, the Raja agreed to the introduction in his country of the same system of justice and revenue as existed in Bengal in

1793, and consented to the employment of the surplus revenues solely for the prosperity and advantage of the four Sircars, after payment of rupees one lakh to him out of it "without fail" Owing to various unauthorised inroads upon his rights, Raja Mahip Narain Singh, at the time of his death, was in fact little more than a mere puppet in his own country and in practice exercised no rights whatsoever.

(iv) Raja Udit Narain Singh (1796—1835). Although the Sanad which was granted to this Raja conferred upon him "the same privileges and rights as enjoyed by his father," and although theoretically he was acknowledged to be the "permanent zemindar of the four Sircars" in actual practice, he had nothing to do with them.

(v) Raja Ishwari Prasad Narain Singh (1835—1889). The same remarks apply to this Raja as to his immediate predecessor. He was raised to the dignity of Maharaja, in 1862. He was the recipient of a Sanad which was issued exclusively to Princes and Chiefs of India, "who now govern their own territories." But in actual practice, he exercised no powers of government.

(vi) I, the next in order, am the present ruler of the much diminished State of Benares. In 1911 a part of the Family Domains were restored to my jurisdiction and rule. But in the four Sircars, I am completely stripped of all my rights and powers, and am a mere stranger to these possessions of my ancestors.

115. From an examination of the above stated facts I venture to hope that Your Excellency will feel convinced on the following points in connection with the history of my House: (1) That the four Sircars of the Province of Benares were settled with my great grand-father "in perpetuity" in 1781 with complete and uncontrolled jurisdiction over them. (2) That the subsequent Agreement of 1794 did not annul or modify that grant but simply authorised the British Government to administer the Sircars for the Raja just as the Courts of Ward do in the case of disqualified proprietors in the present day. Under ordinary circumstances the Agreement should have ceased to be operative after Raja Mahip Narain. (3) That the infancy of the two successors of Raja Mahip Narain necessitated the continuance of the arrangement entered into the Agreement of 1794 the provisions of which were made applicable to them by special Sannads, which arrangement is still in force with no other sanction than that of prescription. (4) That the Province of Benares was and in fact is a Native State and as such cannot be made part of British India except under very special circumstances which never arose. (5) That even if the Agreement of 1794 be treated as a permanent measure the worst interpretation that can be placed over it would be, that Raja Mahip Narain ceded his jurisdiction over the four Sircars, but his sovereign and proprietary rights in them were left intact and unaffected, as is evident from the guarantee of the continuance of the Raja's seal and signature to all grants, and of his office and treasury, and from the recognition of his right to receive the surplus revenues of the Sircars, and by the reaffirmation of the permanent settlement of the Sircars having been made with him. In other words the British Government undertook to administer the province of Benares for the Raja in his name and for his benefit. (6) That the payment of one lakh of rupees in the nature of allowance to the Raja out of the surplus revenues was fixed in view of the then "financial funds of the country" and was not a permanent arrangement. (7) That this sum of one lakh of rupees paid to me is insufficient in view of the present receipts from the four Sircars.

116. My family has all along been unflinching in its loyalty towards the British Throne; and that it has, undeservedly, been treated harshly in this respect cannot be better described than in the words of Mr. Commissioner D. B. Morrison from whose report I take the liberty to quote the following :—

“Of late years,” says Mr. Morrison in his report, “little immunities which he” (the Raja) “possessed have been taken from him. The loss in a pecuniary point of view may be considered comparatively trifling, but it lowered his dignity in the eyes of his countrymen and has been keenly felt. It seems as if we humoured and conciliated the family, as much as possible, when it was our policy to do so, and when their opposition might have caused us much trouble on our first getting possession of the Province. But that now, when our dominion has been consolidated, and we have no longer any reason to care for either their enmity or their friendship, we deprive the family gradually of all their privileges and bring them to the dead level of our other subjects. I do not approve of this in a Government any more than in an individual*.”

* Extract from para. 21 of Mr. Commissioner D. B. Morrison's Settlement Report of Benares, No. 463, dated 16th December, 1843.

117. I believe that full facts connected with the political history of my House were never placed before the Government, in a connected and detailed form, till now. In doing so on the present occasion I fervently hope that the just and benign British Government will give the matter that attention which the unflinching loyalty of my House, I venture to hope, deserves.

Maharaja of Benares.

APPENDICES.

(I.)

IN THE HIGH COURT OF JUDICATURE FOR THE NORTH-WESTERN PROVINCES.

Criminal Side.

APPELLATE JURISDICTION.

Dated, Allahabad, the 29th September, 1877.

PRESENT:

The Hon'ble C. A. Turner, Judge.

Crown versus Bhagirathi,
Jokhan,
Ajodhia,
Baljare,
Musai.

(Charged under section 147 of the Indian Penal Code and sentenced by A. MacMillan, Esq., Divisional Magistrate of Mirzapur, on 27th of June 1877, to three months' rigorous imprisonment each, which sentence has been upheld on appeal by the Sessions Judge of Mirzapur on the 14th of July 1877.

By the Court.

It appears that for many years past cesses have been claimed on all articles brought into the Kasha Nai Bazar situate in Bhadohi, a jagir of His Highness the Maharaja of Benares, and forming part of what are known as the Family Domains.

There is no distinct evidence to show when these cesses were originally taken. The Bazar, it is said, was founded by Maharaja Balwant Singh, who died in 1770 and it may be presumed that the cesses were collected from the date of the establishment of the Bazar.

There is no question that of late years payment of these cesses has been resisted. Bhagwan Dass, on whose behalf the petitioners were acting, and who is now the lessee, made a complaint to the Superintendent, Family Domains, that the cess on gur was levied not only as a toll on goods brought into the market for sale but also as an octroi, and his complaint was dismissed, the Superintendent recording that the right to collect the dues had been judicially recognised on the 13th March 1862. Bhagwan Dass then petitioned the Government, North-Western Provinces, who referred the petition to the Commissioner of Benares for disposal. That Officer considered no orders necessary.

Bhagwan Dass took lease of the dues, and in their attempt to enforce payment of them, the petitioners, who are his servants, have been convicted of riot.

The Magistrate, Mr. MacMillan, has entered on a full discussion of the law resorting to the imposition of dues in the Province of Benares, but I think he has omitted to appreciate the position of the Maharaja as the jagirdar of Bhadohi, and the circumstance that Bhadohi, is not a part of territory subject to the General Acts and Regulations.

It appears to me certainly not necessary for the validity of dues, which may be payable to the Maharaja as jagindar, that they should be entered in the settlement record. The Maharaja appears to stand in the place of the Government, and the settlement record is intended to regulate the rights of the several members of the village community and the rights of the zemindars and their tenants, but it could not affect the rights of the Crown to levy dues. Again if the dues have, as is asserted on the part of the Maharaja, subsisted from before British rule, I do not see that there is any Regulation applicable to the Family Domains by which they are rendered illegal.

The Maharaja in the administration of his Family Domains is to be governed by the spirit of the Regulations but the regulations do not deprive the Government of dues which have long been customarily payable, and in so far as the dues claimed are market tolls they are dues of which even now the Government reasonably sanctions the collections to reimburse the founder of a market for his outlay.

However I do not feel bound in this case to determine whether the dues could be lawfully levied.

The Maharaja is no party to these proceedings; the question is one of civil jurisdiction, which jurisdiction this Court does not possess in the Family Domains, and it arises only incidentally in these proceedings. The questions raised can, and I venture to submit should, be clearly determined by the Government.

The Magistrate has found that, assuming the dues could legally be collected, the petitioners used more violence than was necessary for enforcing them. Indeed the evidence seems to show (if it be believed) that before the owner's agents actually endeavoured to carry in the goods and were merely remonstrating at their detention they were assaulted by the petitioners I therefore affirm the conviction, but I think one month's rigorous imprisonment sufficient, and reduce the sentence accordingly.

(II.)

Translation of the Sanad granted to Raja Chet Singh, for the zamindari of Ghazipur, Benares, etc., 16th April 1776.

Be it known to the Mutsaddis in office, present and to come, kanungoes, mukdaddams, ryots, cultivators, to all the inhabitants and people resident and belonging to Sircar Benares, Ghazipur, and Chunar, in the Suba of Allahabad, that whereas, by virtue of a treaty with the Nawab Ausuf-ud-Dowlah concluded on the 20th of Rabi-ul-Awwal, 1189 Hejira, or 21st of May 1775, the Government and Sovereignty of the Sircars above mentioned has been ceded to the Honourable East India Company, from the 4th of Jamadi-ul-Awwal 1189 Hejira or 4th July 1775; the said East India Company, therefore, pursuant to the rights thereby obtained, do confirm unto Raja Chet Singh, the zamindari, Aumini and Kaujdari of the said Sircars, agreeably to the Zimman, together with the kotwalis of Jaunpur and Benares and the Mint of Benares, from the said date. Whatever gold and silver shall be coined in the Mint, the said Raja shall coin conformably to his 'muchalka.' He is not to be in the smallest particular remiss in the observation and execution of the several duties incumbent on him. He is to behave with moderation and kindness to ryots and people; to promote the cultivation and increase of inhabitants and produce of the lands; expelling thieves, nightly assaulters, and robbers; and so effectually punishing the disturbers of the peace that no trace of them may be seen, and he is to pay a tribute

of 23,40,249 Benares Machlidar rupees or 22,86,180 Calcutta Siccas annually to the Company's treasurers. Should he receive orders to pay the above revenue at Benares he shall, in that case, pay the sum of 23,40,249 Benares Machlidar rupees, each rupee to weigh ten massa and to contain two rattis and two chawals of alloy, and no more; should the weight be less or the alloy more, he shall make up the deficiency. Whenever the money shall not be wanted at Benares, he is to remit the annual amount of 22,86,180 sicca rupees punctually, agreeably to 'kists,' by monthly payment at Calcutta; in consideration of which he shall be allowed a deduction of two per cent., amounting in all to Sicca rupees 44,431-14-5 account Hindwani, which being deducted, the net amount is 22,21,745-1-15 Sicca rupees of Calcutta which he is to pay at that place. After the settlement of accounts at the end of the year, he shall, in the customary manner, receive credit for his payments. And he is by no means to collect prohibited Abwab of the Durgah of His Majesty. This Sanad being granted is to remain in force. You, the Mutsaddis and persons above-mentioned, are to regard the said Raja as truly and lawfully possessed of zamindari, Amini, and Faujdari of the above Sircars; and to acknowledge his authority in the several acts appertaining thereunto. Know that we have issued the most strict and positive commands, and obey them accordingly.

Written on the 25th of Suffer, 17th Sun, or 15th April 1776.

Signed by the Governor-General and Council.

THE ZIMMUN.

The office of the zamindari of Sircar Benares, Ghazipur, Chunar, the Kotwali, the duties of the Mint in the Suba of Allahabad, have been conferred upon the great Chief Raja Chet Singh Bahadur; also the Amini and Faujdari.

Mahals 19, viz:—

Sircar Benares, Chunar, Sircar Ghazipur, Mahals of Jaunpur, comprehending mal and duties, Haveli Mahmudabad, Benares; the Labs Daums, or for supplying clothing to the King; pargana Bhadri; the taluk of Sukramrao in Chandra; Suktêsgar, Bidjepur, Sikandarpur, Thireed; Shadyabad, tappa Saringa; the kotwali and duties of Benares, free; litto ditto of Jaunpur, ditto; the mahal of the Mint of Benares, ditto; the Benares Mukimi, or brokerage; the Sungwazini; or stone weighing of Benares, and the other mahals; Yatesaundbi, or office of Mutesaub of Benares.

(III.)

Patta granted to Chet Singh.

This Patta, containing the under-written stipulations, is granted unto Raja Chet Singh Bahadur:—

Sircar Benares, Ghazipur, Chunar, and the Mahals of Sircar Jaunpur, comprehending the mal and duties, Haveli Mahmudabad, Benares, the Khausdams in pargana Bhadohi; taluk of Sankaramrao, in pargana Chunara; Suktisghar, Bijaipur, Sircar Ghazipur, pargana Sikandarpur, Kharri, Shadyabad, Patna, Sirkunjea, including the kotwali duties of Jaunpur and Benares; the Mint of Benares; the mukimi, yatisaub, and stone weighing, both mal and duties; and the Diwani dastur excepting the nankar of half the jagiri of Bhadohi, the exempted jagiri ayma, which have been inserted for a length of time in the accounts as deductions; all the articles of the Tahud are settled upon you from the 4th Jamadi-ul-Awwal, 1189 Hejira, or

the 1th July 1775 English, at a stipulation per annum of 23,40,219 Machlidar Benares rupees, not short of the weight of ten massa each, and not containing a greater portion of alloy than two rattis and two beringis, agreeable to your muchalka and kabuliati. This sum you will therefore pay. But should it not suit the convenience of the Company to receive it at Benares, you are to pay it at Calcutta in Sicca rupees of Calcutta, amounting in specie to 22,66,180 Sicca rupees. The amounts of the hundian or exchange allowed you at the rate of 2 per cent is Rs. 44,434-14-5, which being deducted the net sum will be 22,21,745-1-15 Sicca rupees of Calcutta. This you are to pay without the least deduction or depreciation whatever, in the course of each year, by monthly payment, agreeably to your separate kistbandi. This you are to pay without any allowance for Sebandi. You will remit the money to Calcutta, without fail, conformably to the said kistbandi.

(IV.)

Kabuliati or Agreement executed by Raja Chet Singh for the zamindars of Benares, etc.

Whereas a treaty has been concluded between the English East India Company and the Nawab Asaf-ud-Dowla Chia Cawn Bahadur, Huzzubher Jung, Nazim of the Suba of Allahabad, under date the 20th of Rabi-ul-Awwal, 1189 Hejira, or the 21st of May 1775 Christian, whereby the sovereignty of the Sircar Benares, Ghazipur, Chunara, etc., hath been ceded to the English East India Company from the 4th of Jamadi-ul-Awwal, 1189 Hejira or the 4th July 1775 Christian, and the Company having granted the zamindari, the Amindari and the Faujdari of the aforesaid Sircar, together with the kotwali of Benares and Jaunpur, etc., and the Mint of Benares, unto me from the above date, I do hereby voluntarily consent and agree, under my hand, that whatever coins shall be struck in the said Mint shall be conformable to a separate obligation, which I have executed under date the 25th of Zilhijja, in the 17th year of the reign, and delivered to the Government for the Company.

It shall be my duty to do everything that may be needful and useful for the interest and security of the country; provide for the welfare of the inhabitants; to be attentive to the increase of cultivation and improvement of the revenues; to use my endeavours in such manner to expel robbers and assassins, and to punish offenders of every kind, that not a trace of them may be left. And I will pay the annual revenue of Government, being at Benares Machlidar rupees of Benares 23,40,249, each rupee to weigh no less than ten massa, and to contain no more alloy than 2 rattis and two chawals; any deficiency of this standard to be made good. If the Government shall not have occasion to receive the same at Benares, I will in such case pay it at Calcutta annually, by monthly payments, according to kistbandi and conformably to the tufuseel zile or particulars in the margin, the sum being Calcutta Sicca rupees 22,66,180, including nazrana, etc., but deducting on account of hundian or exchange a premium of 2 per cent, which premium of 2 per cent. upon the whole sum being Sicca rupees 44,434-14-5, I will accordingly deduct for remitting the remainder to the Company's Treasury at Calcutta so that after the deduction of exchange I shall pay net and without farther deduction into the Treasury at Calcutta the sum of Calcutta Sicca rupees 22,21,745-1-15 at the end of each year; after payment of the same and observing the conditions agreed upon, I shall receive a release or discharge in full, wherefore I have written this Agreement to be adhered to accordingly.

In the margin follows a list of monthly instalments. Signed by the Raja

Seal of the Raja.

Dated 25th Suffer, 17th Sam, corresponding with the 15th April 1776 Christian.

Translation of Raja Chet Singh's Agreement relative to the duties.

Whereas the duties of the sayers dependent on me have been fixed and decreed in the presence of the Governor at the following rates, which are to be taken from the English and Indostan merchants, without distinction; for this cause I give in writing that I will demand no more, nor will consent to an exemption in favour of any man, excepting broad-cloth, and lead and copper purchased at the Company, which shall be accompanied by a letter from the Governor; on these I will consider the duties as excused and discontinued, nor in any respect interrupt or impede them.

(V.)

Sanad to Raja Mahip Narain Bahadur for the Zamindari of Benares, Ghazipur, Chunar, &c.

Be it known to the Mutsaddis in office present and to come, kannungos, amildars and people, resident in and belonging to Sircar Benares, Ghazipur and Chunar, in the Suba of Allahabad, that the Governor-General and Council of the Provinces of Bengal, Behar and Orrissa, acting on the part of the Honourable East India Company of England, have in virtue of the powers vested in them, and of the right obtained to them, by a Treaty concluded with the Nawab Asaf-ud-Dowla on the 20th Rabi-ul-Awal, 1189 Hijri, or 21st May 1775, in which the sovereignty of the Sircars above-mentioned, was ceded to them from the 4th Jamadi-ul-Awal 1189 Hijri, or 4th July 1775, appointed Raja Mahip Narain to the Zamindari of the said Sircar and to the Amini and Faujdari of the towns and places of the same, agreeable to the Zimman, except the Adalat and Faujdari of the town of Benares, the powers of the said Raja in that town extending only to the collection of its revenue and to the appointment of officers acting under his authority for that purpose. The said Raja is appointed also to the Kotwali of Jaunpur.

He is not to be in the smallest instance remiss in the observation and execution of the several duties incumbent on him, he is to behave with kindness and moderation to the ryots and people of the zamindari, he is to promote the cultivation and produce of the lands, and the increase of their inhabitants, he is in all places under his authority to expel thieves, nightly assaulters, murderers, and all evil-doers and so effectually punish the disturbers of the peace that none shall remain. Thus shall the honour and credit of the East India Company be strengthened, and with them his own. He is in no place to erect forts nor any sort of defences whatsoever within the limits of the zamindari, nor is he to entertain in his employ any troops, either horse or foot, for any purpose whatsoever without the order or permission of the Governor-General and Council or their successors.

The power of levying forces and erecting and maintaining fortresses are always considered as royalties or appurtenances of the sovereign State, and will not be exercised by him accordingly; whenever the assistance of troops shall be required to enforce the collection of the revenues, or to maintain good order and tranquillity in the country, such troops shall be the troops of the Company furnished by the orders of their representative.

In consideration of the grant thus made to the said Raja Mahip Narain of the said zamindari, which is granted to him in perpetuity, while on his part he shall duly fulfil the conditions of it, he is also to pay yearly at Benares unto the said East India Company or any person appointed by its representatives to secure the same, the fixed sum of forty lakhs of Benares Sicca rupees of full weight and standard, and the said sum of *forty lakhs of Benares Sicca rupees* is to be paid as aforesaid in the monthly kist, hereinafter mentioned; but as the rebellious conduct of the late zamindar of this country may in its consequences have been productive of devastations, the Governor-General and Council have been pleased to deduct on this account from the revenue of the present year, 1189 Fasli, the sum of six lakhs sixty-six thousand six hundred and sixty-six Benares Sicca rupees ten annas and ten gandas, such deduction leaving the amount payable to the Company for the present year thirty-three lakhs thirty-three thousand three hundred and thirty-three Benares Sicca rupees five annas and ten gandas, which is to be paid in the following months and according to the proportions fixed opposite to each of them:—

				Rs.	a.	p.
In Assin	...	...	...	10,000	0	0
„ Katik	..	...	...	15,000	0	0
„ Aghan	...	...	...	2,78,000	0	0
„ Pus	...	...	..	2,78,000	0	0
„ Magh	...	...	...	2,78,000	0	0
„ Phagun	...	..	...	2,78,000	0	0
„ Chait	...	...	...	2,78,000	0	0
„ Baisakh	...	...	...	2,78,000	0	0
„ Jeth	...	...	...	2,78,000	0	0
„ Asarh	...	...	...	2,78,000	0	0
„ Sawan	...	...	...	2,78,000	0	0
„ Bhadon, which is the end of the year				8,06,333	5	10
Total for the year 1189, Benares Sicca				33,33,333	5	10

The said Raja Mahip Narain is also to pay the Sircar whatever balance he shall be able to collect of the late Raja's administration for the year 1188, with respect to the year 1190 Fasli, and to all future years his revenue is to be paid in the following monthly instalments:—

				Rs.	a.	p.
In Asin	...	...	...	2,90,000	0	0
„ Katik	...	...	...	2,90,000	0	0
„ Aghan	...	...	...	2,90,000	0	0
„ Pus	...	..	...	2,90,000	0	0
„ Magh	...	...	...	2,90,000	0	0
„ Phagun	...	...	...	2,90,000	0	0
„ Chait	...	...	...	2,90,000	0	0
„ Baisakh	...	...	...	2,90,000	0	0
„ Jeth	...	...	...	2,90,000	0	0
„ Asarh	...	...	..	2,90,000	0	0
„ Sawan	...	...	...	2,90,000	0	0
„ Bhadon, which is the end of the year				8,10,000	0	0
Total for the year 1190, and all future years				40,00,000	0	0
and this amount as well as the sum of				33,33,333	5	10

Sicca rupees

for the year 1189 is to be duly and regularly discharged without any deduction whatsoever, excepting the sum allowed to him as an annual

compensation for the loss of the profits derived by the former Raja from the Mint of Benares, the business of that office being to be placed in other hands, and the sum allowed as an annual compensation for the loss of the profits which he would have received had the management of the business of the Adalats, Kotwali, and the collection of the duties called Nikas and Kimar Conna in the said town been left to him as it was to Chet Singh. These sums are to be deducted from the annual amount of his malguzari, and shall be conformable to the average receipt of the late Raja on their account for the last five years, certain jagirs having been granted by Government, to persons whose names are recited in the Raja's 'kistbandi' of this date, and certain charity allowances given to the 'rozinadars,' etc., as recited in the same, the Raja is to be careful that the order of the Government be punctually and strictly attended to. He is to be heedful also by no means to collect the prohibited Abwab of the Durgah of His Majesty.

The engagements stipulated in this Sanad having been duly fulfilled, the Raja shall in the customary manner receive credit for his payments, and in addition to the receipts given monthly for his monthly malguzari by the person authorised to receive it on account of the Company farigh-khati or general discharge shall be given him at the end of each year, when due, by the Governor-General and Council.

This Sanad being granted is to remain in full force. You, the Mutsaddis and persons above mentioned, are to regard Raja Mahip Narain as truly and lawfully possessed of the zamindari, Aumini and Faujdari of the above Sircar in the manner and to the extent recited in it, and to acknowledge his authority in the several acts appertaining thereunto. Know that I, Warren Hastings, Governor-General, in the name, and with the powers of the Governor-General and Council, who are the Company's representatives, have here issued the most strict and positive commands and obey them accordingly.

Written on the 14th September 1781, answering to the 1st of Asin, 1189 Farli.

(Sd.) WARREN HASTINGS.

(Sd.) E. HAY.

Sub-Secretary to the Honourable Governor-General and Council.

THE ZIMMUN.

The office of the zamindari of Sircar Benares, Ghazipur and Chunar, the Kotwali of Jaunpur, the duties and the Aumini and Faujdari within the limits of the said zamindari in the Subah of Allahabad, excepting the Adalat and Faujdari of the town of Benares, have been conferred upon the great Chief Raja Mahip Narain Singh Bahadur.

MAHALS 18.

Sircar Benares.

Sircar Chunar.

Sircar Ghazipur.

The mahals of Sircar Jaunpur, comprehending both 'mal' and 'sayer.'

Haveli Mahmudabad, Benares.

The Mahals of the Mulbus Khas.

The pargana Bhadohi.

The taluka Sungra Mow dependent on the pargana of Chandah.

Suktisghur.

Canti, otherwise called Bijepore.

Secunderpore.

Kherid.

Shadyabad.

Tuppe Sereucha.

The Morkem of Benares.

The Yettismab or officer ***Muttussur of Benares.

The Sungwazini or *** Weighing of Benares and the other mahals.

(Sd.) W. HASTINGS.

(VI.)

Putta granted to Raja Mahip Narain Bahadur, of Benares, 14th September, 1781.

Whereas the Sircars of Benares and Chunar and the Mahals of the Sircar of Jawenpur, both mal and sayar and Haveli Mahmudabad, Benares, and Daums of the Mulbus Khas and the pargana Bhadohi, and the taluk of Sangramao dependent on the pargana of Chanda and Suktisgurb, and the pargana Cantit, called Bidjeypur, and the Sircar of Ghazipur, and the pargana Sikandarpur, and Kherid and Shadyabad and Tuppi Serincha, with the mal and sayar and kotwali of Jawenpur and the Morkime and Yettisaub and sanguzini of Benares, both mal and sayar, with the dastur Diwani, besides half of the jagir of the pargana Bhadohi, etc., and the muafi to the Rozinadars, and other expenses of the Husubminhayi, conformable to your kabuliat, have been granted to you from the beginning of the month of Assin, 1189 Fasli, answering to the 14th September 1781, at the agreement of 40 lakhs of Sicca rupees, struck in the town of Benares, as a fixed and perpetual sum, without alteration, for every year, and from that amount the sum of Rs. 6,66,666-10-10 (six lakhs sixty-six thousand six hundred and sixty-six Sicca rupees ten annas and ten gandas) for this year which is 1189 Fasli, on account of devastation, etc., in the two months of disturbances, having been remitted, the remaining account of the mal wajib malguzari of the Sicca being 33,33,333-5-10 (thirty-three lakhs thirty-three thousand three hundred and thirty-three rupees five annas and ten gandas) of Benares Sicca coin, of due standard and weight, agreeably to the separate kistbandi and kabuliat which you have written and delivered under your own seal: you will, month by month, without excuse or delay, and without the expense of the Sebundi and other expenses, conformable to the kists mentioned in them, pay duly as the khazana to the Sircar, and in the next year the fixed and perpetual yearly amount, jama of forty lakhs of Sicca rupees, which you have agreed to, and the kistbandi of which also you have delivered under your own seal into the daftar of Sircar; conformably thereto you will yearly discharge as the malguzari to the Sircar. By the blessing of God, from this Agreement, in no instance, shall there ever be any deviation or failure.

(VII.)

Kabuliat of Raja Mahip Narain Bahadur, 14th September 1718.

I, Raja Mahip Narain Bahadur:—

Whereas the zamindañi of the Sircar of Benares and Chunar, and the Mahals of the Sircar of Jawenpur, both mal and sayar, and Haveli Mahmudabad, Benares, and the Daums of the Mulbus Khas and the pargana Bhadohi, and the taluk of Sangramao, dependent on the pargana of Chanda,

and Suktesghar, and Cuntit called Bidjeypur, and the Sircar of Ghazipur and the pargana of Sikandarpur and Khirud of Shaaduabad and Tuppi Serincha, with the mal and sayer and kotwali of Jawonpur, and the Mukimi and Yettisamb, and Sangwazni of Benares and the entire mahals, both mal and sayer, with the dastur diwani of the Suba Allahabad, besides the Mahal of Kiraghar, of which the malguzari is appropriated to the Sircar of the Nawab Vizir-ul-Momalik of Asuf-ud-Dowlah Bahadur, and the Mahals of the jagirs held by the Rozinadars, and the expenses agreeably to the Husubminhayi, on account of deductions, has been given in perpetuity to me by the Honourable Company at the fixed and perpetual yearly sum of forty lakhs of Benares Sicca rupees, of full weight and standard, I have agreed to it, of my own free and entire will, and of that amount the sum of Rs. 6,66,666-10-10 (six lakhs sixty-six thousand six hundred and sixty-six rupees ten annas and ten gandas) having been remitted and deducted on account of the devastations, etc., in the two months' disturbances for this year 1189 Fasli, I have acknowledged, without hesitation, the remaining sum of 33,33,333-5-10 (thirty-three lacks thirty-three thousand three hundred and thirty-three rupees five annas and ten gandas) of Benares Sicca standard, to be due from me, as the Malwajib of the Sircar for the said year; and having written and delivered under my seal, upon a separate paper, the kistbandi of it, I engage and deliver in writing to this effect, that I will, agreeably to the kistbandi, month by month, without excuse or delay, duly pay the Khazana Aumira of the Sircar in the town of Benares, and at the end of the year I will, take a receipt and discharge the whole. And the jama of the next year, 1190 Fasli, having been settled for the entire sum of forty lakhs of Benares Siccas, as the perpetual and fix for every year, that I also do include in this Kabuliat, and engage that I will without excuse or delay, agreeably to the kist of the same, discharge, month by month, the Khazana Aumira of the Sircar, and that I will, without fail, pay the money of the Rozinadars, etc., conformably to the Husub Minhay and take a receipt for it, and that employing myself in the duties and affairs of my zamindari, I will not neglect or be deficient in any one point of diligence and care, but I will behave with the greatest attention to ryots and to all people, of every rank; and I will exert my utmost abilities in the cultivation and population of the country, and the increase of the revenues, so that it may improve daily: and I will act with such vigour in expelling thieves, night-robbers, murderers and all evil-doers, that not one of them shall remain within my zamindari, and that no crimes and offences shall be heard of. I have, therefore, delivered these few lines in the nature of kabuliat, that it may be made use of when necessary.

Dated the 1st of Assin, 1189 Fasli, answering to the 14th September, 1781.

(VIII.)

Sanad granted to Raja Udit Narain Singh Bahadur.

Be it known to the Mutsaddis in office, present and to come, choudharis, kanungos, mukaddams, cultivators, ryots and residents of Sircars Benares, Chunar, Jaunpur and Ghazipur, etc., in the Suba of Allahabad :

Whereas the zamindari of the Sircars of Benares, etc., had, after the expulsion of Raja Chet Singh, been assigned by the Company's Government to Raja Mahip Narain Singh Bahadur, who from that date appears to have acted strictly in accordance with the terms laid down in the Agreement, dated 27th October 1794, corresponding with 2nd Rabi-ul-Sani, 1202 Fasli, which had been entered into between him and the Hon'ble Jonathan Duncan, the Chief Officer at Benares, under sanction of His Excellency the Governor-General and given satisfaction in the management of his zamindari.

he having lately died, therefore in consideration of the just rights of his son, Raja Udit Narain Singh Bahadur, the zamindari of the above, together with the jagir mahals and altungha, etc., belonging to him have been, with the same privileges and rights as enjoyed by his father Raja Mahip Narain Singh, deceased, confirmed unto him from the kharif, 1203 F.S., by the Company's Government, you, the mutsaddis, etc., should therefore consider the said Raja as permanent zamindar of the Sircars, etc., alluded to, and shall obey such of his orders as may be favourable to the interest of Government, and at the same time advantageous to the ryots, and you shall not require from him a new Sanad every year, and the Raja will be bound to comply with the stipulation specified in the above Agreement and to exert himself in accordance with those terms in the management of his zamindari so that we shall hear good accounts of his management.

Be careful to carry the above orders into execution. Written on the 30th September 1796, or 17th Asin 1203 Fasli.

True Translation.

(Sd.) W. DUTHOIT,

Deputy Superintendent, Financial Department.

(IX.)

Sanad granted to Raja Ishri Prasad Narain Singh Bahadur.

Be it known to the mutsaddis in office, present and to come, choudharies, kanungos, mukaddams, cultivators, ryots and residents of Sircars Benares, Chunar, Jaunpur and Ghazipur, etc., in the Suba of Allahabad:

Whereas the zamindari of the Sircars of Benares, etc., had after the expulsion of Raja Chet Singh been assigned by the Company's Government to Raja Mahip Narain Singh Bahadur, who from that date would appear to have acted strictly in accordance with the terms laid down in the Agreement, dated 27th October 1794, corresponding with 2nd Rabi-us-Sani, 1202 Fasli, which had been entered into between him and the Hon'ble Jonathan Duncan, Chief Officer at Benares, under sanction of His Excellency the Governor-General and given satisfaction in the management of his zamindari. After his death Raja Udit Narain Singh Bahadur, his son, was confirmed in the zamindari under a Sanad, dated 30th September 1796, on the same terms as were entered into by his father, who also gave satisfaction and gained the favour of Government. He having lately died, therefore in consideration of the just rights of his adopted son, Raja Ishri Prasad Narain Singh Bahadur, the zamindari of the above Sircars, together with the jagir mahals and altungha, etc., belonging to him have been, with the same privileges and rights as enjoyed by his father, Raja Udit Narain Singh, deceased, granted unto him from kharif, 1242 Fasli, by the Company's Government.

You, the Mutsaddis, etc., should, therefore, consider the said Raja as permanent zemindar of the Sircars, etc., above mentioned, and shall obey such of his orders as may be favourable to the interests of Government, and at the same time advantageous to the ryots, and you should not require from him a new Sanad every year, and the Raja will be bound to comply with the stipulations specified in the above Agreement and to exert himself in accordance with those terms in the management of his zamindari, so that we shall hear good accounts of his management. Be careful to carry the above orders into execution.

Written on the 29th July 1835, corresponding with 2nd Rabi-us-Sani, 1235 Hijri or 19th Sawan, 1242 Fasli.

True Translation.

(Sd.) W. DUTHOIT,

Deputy Superintendent, Financial Department.

(X.)

“ Translation of an Agreement entered into between the Raja of Benares, on the one part, and the Resident at His Highness' Court, on the part of the British Government on the other.”

“ The Governor-General being at this time desirous to introduce, with the consent of Raja Mahip Narain, the zamindar, into the zila of Benares, for the advantage thereof, the same system and rules for the administration of justice, and for the concerns of revenue, as was in 1793 established within the provinces of Bengal, Behar and Orissa, during the government of Marquis Cornwallis, and the said Raja having, after consideration of the said circumstances, agreed to and approved thereof, so that from the beginning of 1202 Fasli the administration of justice, which has hitherto remained in the hands of natives, shall be conducted by English gentlemen, and that there shall also be separately appointed a Collector (being in like manner a British subject) for the realisation of the revenue whilst the duties of the Court of Appeal are to be conducted under similar regulations as are provided to that effect in Bengal; and for as much as the support of all these establishments will occasion to the Honourable Company's Government an increase of expense, at the same time, under the operation of the Permanent Settlement concluded in 1197, the resources from the district bears also, under the favour of the Almighty, a prospect of increase, therefore, with a view to provide for the said charges, which are solely to be incurred for the prosperity and advantage of the four Sircars composing the zila of Benares, the following articles have, with the privity of the Governor-General in Council, been settled and concluded between the said Raja and Mr. Duncan, to be observed and followed in time to come from the introduction of the new establishment of it:—

“ 1st.—Out of the surplus revenue, over and above the forty lakhs of rupees which, including the articles of deduction, were stipulated to be payable by Raja Mahip Narain, according to the istimrari patta which he received from the Hon'ble Warren Hastings, Esq., in the year 1781, one lakh of rupees per annum is, without fail, to be received from the Mulki Treasury by Raja Mahip Narain, exclusive of the jagirs and altamghas that are now in his possession, and the remaining surplus is to be annually expended in this district and applied, under the authority of the Company's Government, towards the charges of the civil and judicial establishments, the support of the new and old Courts, and for the maintenance of the Padsala, or Hindu College, and for repairing the roads and constructing bridges, and promoting the cultivation, etc.

“ 2nd.—The revenue settlement made of the lands within the Raj of Benares, etc., having taken place with the privity and approbation of Raja Mahip Narsin Singh Bahadur, the patta, receipts and farig-khatties, or acquittances thereof, are passed under the seal and signature of the said Raja to the amils, zamindars and farmers; and the daftar in office, and Khazanchi or Treasurer, of the said Raja, having always remained for the carrying on of the country (*i.e.*, revenue) business, the said signature, seal, office and treasurer are to remain in force, and be continued as usual.

“ 3rd.—In case of complaints relative to revenue causes or charity, ground, etc., being preferred to the Huzur (*i.e.*, the English Government) by any parties residing within the jagir and altamgha, etc., the personal and private lands of Raja Mahip Narain Singh, the inquiries shall be made in like manner as such cases were amicably conducted between Mr. Duncan and the Raja, that is, that since the gentleman holding the station of Collector will have more concern and connection with such matters than the other

gentlemen, the rule shall be that, with the privity and ascertainment of the said Collector (who is to have regard to the honour and dignity of the said Raja), such causes are to be settled through the channel of the said Raja, or of the officers of the said Raja's Kutchery it being at the same time understood and provided that as it is a duty incumbent on the Honourable Company's Government to distribute and ensure the attainment of justice to all the inhabitants of Benares, should it so happen that, after referring such complaints to the Raja, or to his officers in the Kutchery, the contentment of the parties complaining and aggrieved shall not be obtained, the Raja shall, relative to the adjustment of such causes, listen to and approve of the suggestion and advice of the Collector, in like manner as hath been practised in the time of Mr. Duncan; and it is also incumbent on the said Collector, in all proper and just causes, to show the utmost attention possible to the Raja's accommodation, and to hold in view the maintenance of his honour and dignity, such being entirely consistent with the wishes of Government; and if (which God forbid) any such subject should arise as cannot be settled between the said Collector and the Raja aforesaid, the decision on such cases shall depend on the Governor-General in Council.

"Wherefore this ikramnamah hath, with the privity and approbation of the Governor-General in Council, been written and concluded between Raja Mahip Narain Singh Bahadur, the zamindar of the zila of Benares, etc., and Mr. Duncan, who is at present in the station of Resident at Benares, on the part of the Government of the English East India Company, dated the 27th October 1794."

"N.B.—Of the Persian original of the above Agreement, two copies were this day interchanged at the Company's house at Benares, the one signed and sealed by the Resident to remain with the Raja, and the other signed and sealed by the Raja to be sent to the Governor-General and Council."

(XI.)

To

THE HON'BLE SIR JOHN SHORE, BARR.,

Governor-General in Council.

HONOURABLE SIR,

In continuation of the subject of the first paragraph of my address to Government, under date the 22nd instant, I have the pleasure to enclose a memorandum of such further proceedings as I have held relative to obtaining the Raja's assent to the introduction of the new system, relative to which (as on such an occasion may, by the Board, be expected) I have scrupulously particularised as well the purport of my message as of the Raja's answer, with exact attention to the very words of the verbal report delivered to me this day by Sukh Lal, his Mutsaddi.

In respect to the Rani's suggestions, relative to the surplus revenue, I shall only for the present observe that about Rs. 20,000 yearly are applied from this fund to the maintenance of the Hindu College, whilst other sums from it have been disbursed under the authority of Government for the repairs of roads and bridges and other public objects of utility to the zamindari, but there is still an unappropriated excess.

I have the honour to remain, etc.,

BENARES:

25th July, 1794.

(Sd.) J. DUNCAN,

Resident.

On the 23rd of July, the Raja being himself confined to his house at Ramnagar by a swelled leg, the Resident renewed the subject of the probable introduction of the new system to Sukh Lal (the Raja's principal Mutsaddi stationed in the Resident's Kutchery), and desired him to proceed to

Ramnagar to propose it to the Raja with a view to obtain his assent, whenever the Board should resolve in its establishment according to their advice thereof in the letter of the 3d March last; as to which he (Sukh Lal) said he entertained little or no doubt provided the Raja's signature to pattas and Sarkhattis and other revenue papers were allowed to remain current as at present which the Resident had on his part no difficulties of assuring the continuance of, as there can neither evil or inconvenience result from it. Since the Raja's signature on these writings, are merely affixed as a matter of course, after that of the Resident, without any control or interference on the part of the former as far as respects the granting or issuing of such deeds.

On the 25th July 1794 Sukh Lal reported that he had been with the Raja as desired, and had renewed the subject of the intended introduction of the new system, whereupon the Raja had remained for some time silent as in reflection, after which he (the Raja) did himself propose to proceed with Sukh Lal to the Rani, and ask her opinion. They accordingly went thither when the Raja explaining to the Rani Gulab Kunwar, his grandmother, the tenor of the Resident's proposition, she asked him what he himself thought of it, to which the Raja replied that during the six years of the present Residency he had scarcely been made sensible of or felt irksome diminution of his authority, and that he was now also for agreeing to what the Resident had proposed, as thinking likewise the plan in itself a good one, whereupon the Rani said it had also her concurrence, and thus it was on both their parts fully agreed to, but Sukh Lal adds that as the Raja and he were about to withdraw the Rani desired him to notice to the Resident that Mr. Hastings having concluded a permanent settlement with the Raja, she was, thereon hopeful that the surplus receipts from the country might be enjoyed by the Raja, and the Resident asking Sukh Lal whether this intimation was as a condition of the other acquiescence, he answered in the negative, and by explaining that it was merely an observation thrown out by the Rani as naturally connected with the occasion and on which she and the Raja would both submit themselves to the judgment of the Resident or of Government.

It may be here noticed that as in conversing with Sukh Lal on the 23rd instant, relative to the message of which he was then made the bearer to the Raja, the Resident slightly intimated the Raja's being habitually afflicted with epilepsy as the one principal cause why our Government had been obliged to interpose further in the management of the district of Benares than otherwise might have happened. Sukh Lal, on being now asked whether he had made any mention of this motive in his conversation with the Raja, answers that he did not, for that he had no occasion, and thought it better avoided.

(Sd.) J. DUNCAN,

Resident.

(XII.)

The Constitution framed by Warren Hastings for the Government of Benares.

“First.—That the Raja be declared the principal in all official acts of the province; that he shall sit as often as he chooses in the ‘Kutchery;’ that on such occasions, all accounts and reports, and other official business shall receive his inspection, and his name, seal, and signature shall be used for the authentication of all orders and instruments to which, by the custom

order of their dates all such applications made to him, and all official acts done by him in consequence, and shall transmit the same every three months to the Board (the Supreme Council) in Calcutta.

Sixth.—That the Raja and his Naib shall establish a ‘kutchery’ or office of treasury, for the amdanmy, or current, receipts of revenue; and Mr. Fowke and the Amin shall appoint a ‘Mutsaddi’ jointly, or one on the part of each, who shall sit in the said kutchery and keep a separate copy, or copies of the accounts of the daily receipts and disbursements.

Seventh.—That after payment of the stipulated ‘kists,’ or monthly sums due to the Company, according to the fixed agreement with the Raja, and necessary provision made for the allowances of officers and current expenses of the collections, the surplus shall be appropriated to the private expenses of the Raja, and as a fund for the extraordinary expenses of the zemindari such as taccavi, the repairs of forts and pools, or dykes, bridges, and other emergent occasions.”

(XIII.)

MEMORANDUM of Statements made by His Excellency Lord Northbrook, Viceroy and Governor-General of India, at an interview with his Highness the Maharaja of Benares on the subject of his Memorial to the Government of India, dated the 22rd of November 1876 :—

Present, besides his Lordship and the Maharaja, Raja Shiva Pershad, C.S.I., and T. H. Thornton, Officiating Foreign Secretary.

Raja Shiva Pershad having explained the objects of His Highness’ Memorial, His Excellency observed as follows :—

There are two main questions raised in His Highness’ Memorial—

Firstly—What is His Highness’ position?

Secondly—Was it right to include his Family Domains in the Schedules referred to in Acts XIV and XV of 1874?

With regard to the first question, the Government of India are well aware of the terms of the Agreement of A. D. 1794, and are also well aware of the provision of Regulation VII of 1828; they are not prepared to rescind Regulation VII of 1828 or to re-open or to re-discuss matters which are covered by its provisions.

The Government of India do not consider that His Highness is simply an influential zemindar to whom certain concessions have been made, and have not, and do not designate him as such. His Highness does not, indeed, possess sovereign rights, but His Highness does possess exceptional jurisdiction within the limits of his Family Domains in revenue and other matters set forth in the Regulation of 1828.

In answer to a question put on behalf of the Maharaja by Raja Shiv Pershad, His Excellency observed that he was averse from attempting to define the Maharaja’s status by any single term such as “feudatory,” “tributary,” or “dependent,” as no single term correctly described His Highness’ position.

(XIV.)

No. 256-R, dated Simla, 4th October 1872.

Extract from the Proceedings of the Government of India, in the Foreign Department. Read:—

A docket from the Department of Agriculture, Revenue and Commerce, dated the 29th ultimo No. 778, forwarding for consideration and expression of opinion copy of a letter from the Secretary to the Government, North-Western Provinces, together with the copy of the draft Resolution annexed thereto, relative to the claim of the Maharaja of Benares to exemption from the acreage tax.

Observations.—In the opinion of His Excellency the Viceroy and Governor-General in Council the Maharaja of Benares, both before and after the cession of the Province by the Government of Oudh, and both before and after the Agreement of 1781, was a Ruling Prince, possessed of a limited sovereignty, differing in no material respect from the sovereign powers enjoyed by Chiefs in Bundelkhand and elsewhere, whose territories were acquired by the British Government from the suzerain of the Chiefs by cession or conquest. If the Agreement of 1781 had continued unaltered, the question of levying a cess in the Maharaja's lands would never have arisen.

2. The subsequent arrangements of 1794 were not the result of laws applicable to one in the position of an ordinary malguzar in British territories, but of a special Agreement effected with the consent of the Maharaja.

To His Excellency in Council the natural and fair construction of that Agreement appears to be that, whereas the Maharaja was formerly a Chief with limited sovereign powers, paying a fixed annual sum of 40 lakhs to Government, and doing as he liked with the rest of his revenues, he agreed in 1794 to surrender the remnants of his sovereignty to the British Government on condition of his receiving a lakh of rupees a year and being left in possession of his Family Domains; in other words the governing powers, which the Maharaja had heretofore exercised, were (with certain exceptions afterwards legalised and regulated by Regulation VII of 1828) transferred to the British Government which was henceforth to discharge all the functions of Government in consideration of the enjoyment of the surplus revenues after paying the Maharaja the stipulated annual sum. His Excellency in Council does not consider that under the Agreement of 1794 Government is at liberty to levy anything extra from the Maharaja, because of the discovery of new obligations and duties which may not have been considered incumbent on Government at the time of this Agreement.

3 His Excellency in Council admits that the view of the question taken by His Honour the Lieutenant-Governor is supported by considerations which might be urged against the opinion given above. But on a full consideration of the draft Resolution His Excellency in Council is of opinion that the question must be decided in the Maharaja's favour, and that even if the arguments in favour of the imposition of the cess were stronger than they are, the levy of the cess on the Maharaja's Domains under Act XVIII of 1871 would, rightly or wrongly, be so open to question and misconstruction and would be so calculated to raise doubts of the good faith of Government, that it would be wiser to refrain from any attempt to assert the liability of the Maharaja's estates to assessment under the law.

Ordered that a copy of the foregoing observation be forwarded to Department of Agriculture, Revenue, and Commerce, with reference to the communication from that Department cited in the preamble, and that a copy of the Agreement of 1794, as received from the North-Western Provinces Government, be sent to that Department at the same time.

(XV.)

Observations on a Letter to the Court of Directors of the East India Company from Warren Hastings, Esquire, Governor-General of Bengal, dated at Fort William, the 20th March 1783, interspersed with such authentic Documents as tend to show the grounds upon which the Directors establish their Resolutions respecting Mr. Hastings' conduct towards Chet Singh, the Raja of Benares.... ..Printed by order of the Court of Directors, November 19th, 1783.

At the Court of Directors, held on Thursday, the 18th July 1782.

Resolved, 1st.—That it appears to this Court that on the death of Shuja Dowla in 1775 a treaty was made by his successor, by which the zemindari of Benares with its dependencies, was ceded in perpetuity to the East India Company.

Resolved, 2nd.—That it appears to this Court that Raja Chet Singh was confirmed by the Governor-General and Council of Bengal in the management of the said zemindari (subject to the sovereignty of the Company) on his paying a certain tribute, which was settled at Sicca Rs. 22,66,180; and that the Bengal Government pledged itself that the free and uncontrolled possession of the zemindari of Benares, and its dependencies, should be confirmed and guaranteed to the Raja and his heirs for ever, subject to such tribute; and that no other demand should be made upon him, nor any kind of authority or jurisdiction exercised within the dominions assigned him, so long as he adhered to the terms of his engagements.

Resolved unanimously, 3rd.—That it appears to this Court that the Governor-General and Council did, on the 5th July 1775, recommend to Raja Chet Singh to keep up a body of 2,000 horse, but at the same time declared there should be no obligation on him to do it.

Resolved unanimously, 4th.—That it appears to this Court that Raja Chet Singh performed his engagements with the Company in the regular payment of his tribute of Sicca Rs. 22,66,180.

Resolved, 5th.—That it appears to this Court that the conduct of the Governor-General towards the Raja, whilst he was at Benares, was improper; and that the imprisonment of his person, thereby disgracing him in the eyes of his subjects and others, was unwarrantable and highly impolitic, and may tend to weaken the confidence which the native princes of India ought to have in the justice and moderation of the Company's Government.

(XVI.)

No. 275 OF 1850.

FROM

E. A. READE, Esq.,

Commissioner, 5th Division.

TO

THE SUDDER BOARD OF REVENUE,

North-Western Provinces, Agra.

GENTLEMEN,

I have the honour to acknowledge the receipt of your Secretary's letter No. 73, dated 26th March last, and its enclosures respecting certain allowances paid to the Raja of Benares for establishments styled the Mulkî Treasury and Daftar Sani.

2. These establishments and allowances which are distinct, though they have occasionally been confounded together, have been the subject of discussion at recurring intervals and of more than one reference of late years. Such have hitherto only elicited orders declining interference. But the Revenue Accountant is not apparently in possession of these orders, and while the present mode remains of exhibiting these charges in the Benares Collectorate accounts, questions will continue to be raised.

3. It is desirable that these questions should once and for ever be set at rest. The Raja of Benares considers the faith of the Government to be pledged to the continuance of these allowances, which from the first have been expended at his discretion, and that this pledge has been repeatedly acknowledged. It is then natural that he should regard the repeated revival of the same questions with jealousy and distrust, not the less so that on the last occasion of reference no intimation was given him. It is not unreasonable that he should be apprehensive if one article of the compact, on which his peculiar privileges are based and guaranteed, is canvassed and repudiated; that this may be extended to others of still greater importance to his interests.

4. As the Board have directed in para. 2 of their Secretary's letter under acknowledgment, I have requested him to express himself openly and fully. His addresses are herewith forwarded in original with an abstract in English of their contents. He has also placed at my disposal the records and accounts of his Daftar with his original title-deeds in order that copies may be prepared of any of them under my own inspection.

Index B, Nos. 13, 14, 15.

5. There are no records, I must remark, in this office prior to 1809, when the province of Benares was placed under the jurisdiction of the Board of Commissioners by Regulation I of that year, and therefore when enquiry into matters of prior date is necessary it involves a laborious and rarely satisfactory search amongst the Collectorate records. These are imperfect; a portion was on one occasion destroyed by fire, on another by boat wreck. It is not a light task to attempt to dispel the mist of obscurity which in this case, it will be seen, Mr. D. F. Macleod, notwithstanding his fitness and evident research, has been compelled to acknowledge himself unable to clear away to his own satisfaction. But during the last three years, and especially the last six months, by search through the records of this office, and those of the Collector, the Agent to the Governor-General and the Raja, I have been enabled to glean facts and documents which will, I hope enable me to give a clearer exposition of the present matter than has yet been furnished and enabled the Board and Government to come to definitive conclusions.

6. The zemindari of the four Sircars of Benares was conferred in perpetuity on Raja Mahip Narain Singh by Mr. Warren Hastings in 1781, subject to a fixed annual revenue of 40 lakhs of rupees. The surplus collections from the Province were wholly at the disposal of the Raja for the maintenance of his dignity and the establishments requisite for the Government of the country. Previous to that year the Resident had not interfered in the administration of civil or criminal justice in the settlement or collection of the revenue. But between that year and 1794 the Resident, from being first the adviser and then the associate with the Raja in the general administration, at length became invested almost with supreme powers of control, the authority of the Raja being recognised rather as a matter of courtesy than of fact. Raja Mahip Narain Singh was unequal to much exertion from his state of health; the affairs

Vide Treaty No. 1, Index A

of the Province required an able hand, and the enlarged powers confided to Mr. Jonathon Duncan were not so much a political expedient as might be supposed but a State necessity.

7. Such was the position of affairs in 1794 when the Governor-General expressed his desire to introduce the same system of fiscal, judicial and criminal administration into the Benares Province as had been organised for Bengal and Behar by the Regulations of 1793, and to extend to it the same principle of permanent settlement of the land revenue. The Raja's assent was, as a matter of course, necessary for the execution of this design, and a new compact based on the former rescript was, as I find on reference to the correspondence of the period, framed and, after approval by the Government in Calcutta, tendered to the Raja's acceptance. This compact to which the Raja assented and the interchange of documents is set forth at length is dated 27th October 1794. It contains three articles, the first providing, amongst other matters, that out of the surplus collection from the Province over and above the 40 lakhs of rupees as previously stipulated for one lakh of rupees annually shall be paid to the Raja of Benares. The second article provides that Pattas, receipts and acquittances shall as before have the seal of the Raja and his officers, and that the separate Daftar and Khazanchi hitherto maintained shall be continued as heretofore. The third provides for the continuance of the Raja's peculiar privileges connected with the Raja's Family Domains. The preamble and conclusions of the compact are express that these provisions are permanent. Ambiguity is not a defect in deeds to which the name of Duncan is affixed, and to this document reference is made in the Regulations noted in the margin.

Index A, No. 2.

Sections 8, 23, 33, V, 1795.
Clause 2, section 3, XV, 1795
Preamble. VII, 1828

8. Before proceeding to note the subsequent changes in the administration it is here necessary to explain fully regarding the establishments alluded in the second article of the compact, and first as regards the Mulki Treasurer. The term Treasurer, not Treasury, it should be observed, is used, for to oversight of this may be attributed much of the confusion and obscurity in which the question has been involved.

9. Prior to 1795 there were two Treasuries at Benares, the Government Treasury and the Mulki Treasury. Both are alluded to in Regulation 34, 1795. The stipulated revenue of 40 lakhs was paid into the former which also was the office at which the various pecuniary transactions were effected relating to the Company's investments, the payments of the troops, the distribution of political pensions, and similar matters under the sole control of the Resident. This Treasury was situated in Madho Dass' garden where Mr. Hastings found refuge in the troubles of Chet Singh's rebellion. The Treasurer received a salary of Rs. 400 per mensem.

10. The Mulki Treasury was a separate office near the site of the present Sanskrit College. To it were remitted the collections from the Amils and Huzuri zemindars and other items of sayer revenue, and from it were disbursed the charges of fixed and temporary establishments and other miscellaneous items of expenditure. There was no fixed establishment for this office except that of a Treasurer, whose salary was fixed at Rs. 100 per mensem by Mr. Fowke before Mr. Duncan's time. The subordinate establishment approved, removed, increased and diminished at the Raja's pleasure was charged for under the comprehensive term of "contingent expenses." The Resident did not interfere till 1790 with this office when he discovered that the Mulki Treasurer had received on regular pay for two years, and that he and other servants were supported out of an irregular levy of 1 anna per cent. on remittances. This levy was abolished and the salary of the Mulki Treasurer restored to Mr. Fowke's standard of Rs. 100

per mensem in September 1790 with the approval of Government, dated 8th October following, and from that date this item appears as a regular charge in the accounts.

Index A, Nos. 3 and 4.

11. By the new arrangements founded on the compact of 1794 and the subsequent Regulations of 1795 it could not have been otherwise than manifest to Mr. Duncan that the offices of the Government Treasury and Mulki Treasury would be absorbed in the new Collectorate Treasury. So they really were between the date of promulgation of those Regulations, 27th March 1795, and Mr. Duncan's departure in August following. Yet Mr. Duncan's last official act in framing a schedule of establishment for the Collectorate was to recognise the appointment of the Mulki Treasurer on the salary of Rs. 100 per mensem, and the reason of this apparent anomaly, seeing that a Collectorate Treasurer was also rated in the schedule with salary of Rs. 100 per mensem, will be discerned by a consideration of the cognate circumstances of the *Dafta Sanī*.

12. The difficulty regarding this establishment, which Mr. Macleod has correctly shown has never varied in cost from its formation in 1788, is owing to its consisting partly of retinue and partly of ministerial officers and the loss of Mr. Duncan's parwana, dated 22nd December 1788 referred to by Mr. Routledge, in his letter, dated 2nd June 1801. The Raja's officers assert that this parwana was then forwarded to the Board of Revenue. The parwana book towards the latter part of 1788 has been defaced and partially destroyed by neglect. Hitherto the internal evidence to the correctness of Mr. Routledge's detail in that letter has been the fact that from that date to the present the sum of Rs. 1,094 has been monthly charged and sanctioned, and that of the ministerial officer's appointment there is a distinct record. By search through the Agency records I find that Mr. Duncan did, in the latter part of 1788, regulate the retinue branch of the establishment, which had previously been excessive and varying, that he reported his having done so to the Governor-General under date 26th April 1789, transmitting his proceedings, dated 31st December 1788, and 3rd January 1789, and by a letter of the Governor-General, dated 17th June following, the measure was approved. In a subsequent report, dated 2nd October of that year, he alludes to the ministerial officers and the reasons which induced him to invite the Raja to appoint a *Dafta* of his own. The design was that the Raja should take an interest in the settlement and qualify himself for the administration of his country. The Government under date 21st of the same month, cordially approved the arrangement as flattering to the Raja on the one hand, and on the other furnishing him with an opportunity of obtaining complete information of the State of his zemindari.

I am satisfied that this is a clerical error. It ought to have been 28th December. See Index A, No. 5.

Index A, No. 6

Index A, No. 7.

Index A, No. 8.

13. In the subsequent accounts Rs. 1,094 per mensem, or Rs. 13,128 per annum, is regularly inserted under the title of Raja's *Mut-addis*, etc. There has been no interference on the part of the Resident or the Collectors subsequently, though the latter at times from deficiency of their own establishment have occasionally cast a longing eye on this *Dafta Sanī*, in the appointment of officers or in modifications arising out of the single Collectorate, being distributed into four. These have from the first been left to the Raja's discretion, and the monthly charge has been disbursed to his receipt solely at the Benares Collectorate. In this respect the *Dafta Sanī* and the allowance of the Mulki Treasurer have been differently treated. The former has continued unchanged, the latter has been repeatedly modified by the double mistake of interfering with the salary which Dr. Duncan had guaranteed and setting up subordinate establishment for an obsolete office to the retention of which that gentleman gave no pledge whatever.

Index A, No. 9.

Except as to directing the Treasurer to give an oath of office.

14. The anomaly of continuing establishments out of consideration to the Raja of Benares, over which establishments the Collector had no control, which were for the most part bystanders at it were in the Government Office, was a condition which it was necessary to subscribe in order to ensure great measures, the administration of a province being wholly confided to British officers, and a Permanent Settlement. The compact may now be regarded to have been neither convenient nor wise. But it had the counsel of Duncan and the approval of Cornwallis and if it had been literally adhered to, I shall presently show the Government would have been saved several thousands of rupees, and the Raja of Benares could have had no reason of complaint.

Index A, No. 10.

15. I must first resume the narrative of successive administrations. Mr. Duncan resigned in August 1795, and was succeeded by his brother Alexander as Collector who had previously been his assistant, and it may reasonably be inferred must have been well acquainted with his views. The elder Mr. Duncan before he left, framed a schedule of establishment for the new Collectorate, which was approved by Government under date 17th July 1795, and by direction forwarded to the Collector with a letter from the Board of Revenue, dated 27th October following. In this schedule in a postscript Mr. Duncan alludes to the separate Mulki Treasurer with a separate salary of Rs. 100 per mensem and recommends that Sowar's establishment hitherto paid from the Mulki Treasury should be allowed the Collector. The latter establishment was part of his own retinue. It had nothing to do with the Mulki Treasury but to get its pay therefrom, yet by a singular mistake it was for many years rated as part of this Treasury establishment.

He is generally called by the proper name of the Raja's Treasurer in Mr. A. Duncan's papers.

16. In this schedule of Mr. Duncan, there is not a word about any subordinate establishment to the Mulki Treasurer any more than there was in the compact, nor during Mr. Alexander Duncan's incumbency can I find any notice of such an establishment. In point of fact the Mulki Treasury as an office was as much and completely absorbed in the Collectorate Treasury as the Mulki Diwani, and Mulki Faujdari, alluded to in the Regulations of 1795 *passim*, were merged in the Courts of civil and criminal judicature. The Mulki Treasurer's trust in those days was limited to the Raja's personal transactions with the Treasury which have, of course, always been extensive, as the greatest landowner of the Province, to some huzuri remittances and to certain pensions. But there was this element of future mischief that in the accounts the term Mulki Treasury was indifferently used with the Collectorate Treasury, and that extra establishments and expenses necessarily attendant on the introduction of a new system of administration for some time retained the name of Mulki charges; as a separate office, however, the Mulki Treasury did not exist.

Index A, No. 11.

Inclosures 4 and 5.

17. Its revival as a distinct office was partly owing to a mistake in Government orders. In 1801 the Government instituted a department of reform, and agreeably to a Resolution of the Governor-General, dated 1st April, the Board of Revenue were directed to revise the Mulki Treasury establishment and expenses at Benares. Mr. Routledge was then Collector and apparently at first did not understand the question. He replied by submitting a detail, not of the Mulki Treasury establishment for save the Treasurer none such existed, but the Daftar Sani according to the details given by Mr. Duncan's parwana of date 22nd December 1788.

The same, Inclosure 6.

18. The Board in reply called the Collector's attention to the items amongst others noted in the margin and were referred by him to the schedule of establishment framed by Mr. Duncan and sanctioned by Government as above related. No allusion was made to the compact of 1794.

Index A, No 11.
Inclosures 7 and 8

19. During the ensuing years the fiscal administration was confided to incompetent or unworthy hands. Abuses multiplied. The Mulki Treasury, erroneously recognised to have existence, became a real instead of a nominal office. Its treasurer contrived to get a subordinate establishment for himself and to do business on his own account. The additional expense hereby incurred did not escape the Civil Auditor, at whose instance the Board in 1805 required the Collector to show by what authority the establishment noted in the margin had been entertained. To this question no reply was ever made.

Former	Rs. a	Proposed.	Rs.
Treasurer	100 0	Treasurer	80
Peons, <i>vide supra</i>	31 0	Head mutsaddi	20
Sweeper	3 12	Two Mutsaddis	20
	134 12	Peons	14
		Sweeper	3
		Stationery	16
			153

N.B.—The Sower's establishment is omitted as it only tends to mislead

20. In 1808 Mr. Salmon took charge, and no better indication can be given of the state in which he found matters than his calling on the Board to supply a correct list of his own establishment. He found the Mulki Treasury a separate office, he had evidently no suspicion that it was *officium, redivivum*. He found himself compelled to recast the whole Collectorate establishment at once, and with other details suggested the establishment noted in the margin for the Mulki Treasury. He kept the Daftar Sani charge of Rs. 1,094 per mensem separate from this establishment.

21. The Board in reply to his letter, dated 25th May 1808, recommending these arrangements, hinted that it would be as well to dispense altogether with the Mulki Treasury establishment, Rs. 153 per mensem, and retain only the Daftar Sani at Rs. 1,094 per mensem.

Index A, No 11.
Inclosures 9 & 10.

22. To this the Collector replied on 20th July referring for the first time to the compact of 1794, pointing out the inconvenience of duplicate establishments in the same office, and suggesting that one Treasury alone should be maintained and the aggregate allowances of Rs. 1,194 "made over to the Raja for any establishment that he might think fit to keep up." It is a pity the Board did not accede to this proposition, which was literally in accordance with the compact of 1794 and Mr. Duncan's appointment and recognition of establishment prior and subsequent thereto.

The same Inclosure 11.

23. The Board's subsequent proceedings were strangely inconsistent. On the 14th October they submitted a proposition to Government to abolish the Mulki Treasury establishment. The Government in reply, 21st idem, refused to accede, and directed "that in concert with the Raja arrangements should be made for the conduct of the business of the Mulki Treasury as

Index A, No. 12.

The same, Index A, No. 11.
Enclosures 13 & 14.
The same, Enclosure 14.

Collector's list.		Board's list.	
	Rs.		Rs.
Treasurer ..	80		80
Mutsaddi ..	20	Unnecessary.	20
Two Mutsaddis ..	20		7
Four peons at Rs. 3-8 ..	14		3
Sweeper ..	3	Provided for.	110
Stationery ..	16		
	<u>153</u>		

orders to the Collector at Benares for his information and guidance, and on the very same date transmitted to Government a revised schedule of the Mulki Treasury establishment which I transcribe in the margin, with the schedule framed by the Collector before he had referred to the compact of 1794. As to concert with the Raja, the order was a dead-letter. No reference was ever made. The Government sanction, dated 11th November, was given to the Board's revised schedule of the whole Collectorate including the above about the time the former Government orders may have reached Benares.

Index A, No. 11.
Enclosures 19 & 20.

This charge is thus stated in the accounts.		of the Board that Rs. 816-2-0 had been all along paid to the Raja's establishment for stationery, and on the 29th idem, the Board sanctioned its continuance, yet it will be observed that only just before they had erased the Collector's proposed item of Rs. 16 per mensem. This order of the Board is the only authority on which this allowance has continued to be paid ever since.	
	Rs. a. p.		
1789 ...	528 1 6		
1792 ...	627 14 6		
1793 ...	628 2 6		
1794 ...	816 2 6		

26. By these proceedings, as I have stated above, a heavier burden was

Mr Duncan.		The Board of Revenue.		actually laid on the Government than would have been incurred if Mr. Duncan's arrangements had remained inviolated, and the proof is shown in the margin.
Monthly.	Yearly.	Monthly.	Yearly.	
	Rs.		Rs.	
Mulki Treasurer.	100	Mulki Treasurer.	110	
Raja's Daftar Sani.	1,094	Daftar Sani Stationery	1,094	
	<u>1,194</u>		<u>1,272</u>	
	1,200		1,320	
	13,128		13,128	
			816	
			<u>15,264</u>	

Annual excess Rs. 936.

Index A, No. 11.
Enclosures 15, 16, 17, 18.

27. In 1809 the Province of Benares was placed under the jurisdiction of the Board of Commissioners at Fatehgarh, to whom both the Raja and his Treasurer complained of the reduction of the salary from Rs. 100 to Rs. 80 as contrary to Mr. Duncan's pledge. The Collector was referred to and earnestly complained of the inconveniences put in the way of transacting business, for the correction of which the Board suggested his devising rules of timing the Raja's officers. No such arrangements were made. The Raja Udit Narain Singh was haughty and reserved. It is evident from the correspondence of the time that he and Mr. Salmon could not agree. The Board to whom of course Benares questions were new, were evidently puzzled, as I gather from the pencil consultation on the Collector's letter. They declined interfering with arrangements made by the previous Board of Revenue, and did not consider the tenor of the compact of 1794 to be a sufficient warrant to recommend a revision.

28. In the same year the fate of the Mulki Treasury as a separate office was decided. In the riots that took place the military authority declined guarding more than one Treasury, and on 30th November 1809 Rs. 5,117 having been stolen from this office from that date to this the Benares Collectorate Treasury has had no rival.

29. In 1818 the district of Jaunpur was detached and made a

Treasurer	...	Rs. 50
Two mutsaddis	...	20
Peons	...	7
		<hr/> 77

separate Collectorate, another revision of establishment became necessary, and the Mulki Treasury was rated as in the margin. To this revision with that of the whole district establishment gener-

Index A, Nos. 13 and 14.
Mr. Duncan's status annual charge Rs. 14,328; present revised annual charge Rs. 11,868.

ally sanction was conveyed in orders of Government, dated 13th November 1818. The Raja again protested against this deviation from Mr. Duncan's compact, but though reference was made by the Collector to the Board under date 25th September 1818 and 1st June 1819, no answer was vouchsafed. The charge still remains Rs. 77 per mensem in the Collectorate account, so that even with the reductions made the balance is still in favour of the status which Mr. Duncan recognised in 1794.

30. The facts I have related have been gleaned by a laborious search through records extending over more than half a century. Most of the documents, copies of which are annexed, have lain buried probably for nearly that time in several chests of refuse records which I have taken from the Collectorate, and had separated and arranged in this office. Lately, too, I have had unexpected testimony in support of the correctness of particulars. Mr. Jonathan Duncan's clerk, who received the farm of two Mahals for the term of life, for his services, is still alive, and at the advanced age of 87 still retains the possession of his faculties with keener remembrance of the events of the past century than of the occurrences of the last year. He has furnished me with the clue which has enabled me to trace the abolition of the Mulki Treasury and its temporary revival.

31. I proceed now to refer to the opinions expressed at different times by Government officers on the subject of these establishments, and to consider the pleas brought forward by the Raja of Benares. With a separate Index B will be found Mr. Davidson's, Mr. Macleod's and my predecessor's letters on the subject with the orders of the Board and Government. I have only to add that there is no document referred to in these letters which will not be found in Index A, and that there are besides many other documents which the writers have not seen or considered.

32. The officers above alluded to appear to concur that these establishments, as far as a Government are concerned, are not required, and that they are either superfluous, or partially useful, or wholly useless. The question how far the faith of Government is pledged to the Raja of Benares in respect to them is not treated with the consideration it deserves. That the Raja continues to maintain a staff of ministerial officers at all the Collectorates, and that he has a retinue, is a fact that can admit of no question. That the old system sanctioned by law, which requires his official attestation to pattas, receipts and the like has been dispensed with, is equally obvious, nor could it now be revived without a Daftar Sani at every tahsildari throughout the whole Province. That the retention of the Raja's ministerial officers is quite unnecessary for the executive administration is equally self-evident. The same remark is applicable to any peculiar privilege of which he or anybody else may be invested.

Index B.
Collector's last returns, Sections 23 and 33, Regn. V, 1795.

33. On the other hand the Raja pleads his right not to be deprived of a privilege which the Government with others guaranteed to his ancestor in lieu of his abdicating the responsibility and the gains connected with administration of the Province. The privilege may be an empty one, but he desires to retain it and he fairly enough argues, if he has abstained from throwing impediments in the transaction of public business by not

rigidly insisting on the privilege granted him by law, in common fairness this should not be made a handle to deprive him of the means of retaining that privilege. He refers to the compact and claims adherence to its terms at least till a new compact is made.

Treasurer ...	Rs. 100
Daftar Sani, etc. ...	1,094
	<hr/> 1,194

34. The Raja, however, claims more than the compact to the very letter of which there ought to be the strictest adherence. It may seem to savour of special pleading to argue that there is no allowance for stationery in the bond and not to admit that the recognition of a Daftar, involves the recognition of the claim to supply stationery to it, but adverting to the analogy of a Treasurer without a Treasury, and a staff of ministerial officers without authority, this argument is not liable to the imputation. Mr. Salmon's suggestion of reverting to the status existing when the compact of 1794 was made, I have above commended, and that is my opinion, after a careful revision of the points which I consider fully established, and of which I may as well conclude with a recapitulation.

First.—That the establishments of the Mulki Treasurer and the Raja's ministerial officers and official retinue, under the name of Daftar Sani, has from the first been separate and distinct.

Second.—That the salary of the former was restored by Mr. Duncan to Rs. 100 per mensem, and that the charge of Rs. 1,094 for the latter was fixed prior to 1794, and that in the compact of that year a pledge was given for the future continuance of these allowances as a privilege to the Raja of Benares.

Third.—That subsequent modifications of these allowances were erroneous and wrong, that on the one hand the alteration of the salary of the Treasurer was an infringement and the assignment of stationery allowance was an unnecessary addition to those which had been guaranteed.

Fourth.—That literal adherence to Mr. Duncan's pledge would have been the proper course for the past, and will be the proper course for the future.

35. If the Board and the Government concur in this opinion I would suggest in future that the Collector of Benares be instructed to pay over the sum of Rs. 1,194 per mensem to the Raja of Benares, leaving him the discretion of supporting such an establishment as he may deem fit, and that the Accountant also receive orders for his guidance.

COMMISSIONER'S OFFICE, }
5th or Benares Division : }
The 31st October, 1850. }

I have, etc.,
(Sd.) E. A. READE,
Commissioner.

(XVII.)

No. 576 of 1850.

FROM

W. MUIR, Esq.,
Secretary to the Sudder Board of Revenue, N.-W. P., Agra.

TO

J. THORNTON, Esq.,
Secretary to the Government, N.-W. P.

Dated Agra, the 22nd November 1850.

Revenue.

SIR,

The Sudder Board of Revenue, N.-W. P., having on receipt of Government Order No. 785, dated 16th March last called on the Commissioner of the Benares Division for a report on the charges for stationery, and

9. On the 28th December 1788 Mr. Duncan considered it necessary that this establishment should be reduced with advantage to anticipated defalcation in the resources of the Province and advised the Raja, retaining Mutsaddis as before, to reduce the retinue to 10 horsemen, 60 peons and 40 harkaras.

Index A, No.

10. In the proceedings, dated 28th January 1789 the detail is thus given :--

					Rs.
Mutsaddis	...	...	...	...	474
10 horsemen	...	...	...	...	300
60 peon	...	...	...	...	200
40 harkaras	...	...	...	...	120
Total					1,094

11. These proceedings were transmitted to Government, 26th April 1789, and received confirmation under date 17th June following.

Index A, No. 6.

12. The amount thus determined, Rs. 1,094 per mensem, Rs. 13,128 per annum has been entered annually in the accounts of Mr. Duncan's time, and up to the present day there has been no variation or interference with it whatever.

Index A, No. 9, Extracts and

Index C, original accounts Nos. 4 to 8.

STATIONERY.

13. The third article of stationery requires a more full and accurate explanation than has been given in paragraph 25 of my report above mentioned.

14. It has been there shown that the present allowance of Rs. 816-2-0 was recommended by Mr. Salmon, the Collector of Benares, in his letter, dated 14th November 1808, to be continued as having had "Mr. Duncan's sanction," and that the Board of Revenue by their letter, 29th idem, authorised its continuance without reference to Government.

Index A, No. 11, see Enclosures No. 19 and 20.

15. It turns out on reference to Mr. Duncan's records that the Collector, though literally correct was actually wrong in his statement. Mr. Jonathan Duncan never sanctioned Rs. 816-2-0. It was his brother and successor, Mr. Alexander Duncan, who passed this amount for the year 1202 after his brother's departure.

16. Mr. Jonathan Duncan authorised an allowance for the contingencies of the Raja's Kutchery, which for the years noted in the margin of which the accounts are forthcoming, is entered in the margin. The account for 1201 is dated 10th August 1795, and is the last that Mr. Duncan submitted. He quitted Benares on the 16th and his last letter is from Manji, zila Saran, 22nd idem.

		Rs. a p
F. 1198	...	528 1 6
" 1199	...	528 1 6
" 1200	...	527 14 6
" 1201	...	628 2 6

SEE MULKI TREASURY ACCOUNTS.

Index C. 4, 5, 6.

No. 4 ... 1198 F.

No. 5 ... 1199 F.

No. 6 ... 1201 F.

The entry for 1200 is from the vernacular account, English original not forthcoming.

17. It should be observed that these Mulki Treasury accounts were submitted annually to Government by whom orders were passed in detail. The Mulki Treasury account last mentioned having been submitted after the Agreement with Raja Mahip Narain Singh, dated 27th October 1794, is important, as it explains Mr. Duncan's construction of that Agreement. In his letter dated 10th August 1795, forwarding Index C, No. 9, the account, he remarks that "there are hardly any charges except such as

have been usually made either as the settled expenses, or for the smaller varying contingencies that have been hitherto annually left for my discretion. The Government orders, dated 4th September (*idem* No. 10), following, pass the account with reference to its details.

18. From the above it is quite evident that the Mulki Treasurer and the Daftar referred to in the second article of the Agreement are the establishments which it has been shown above were confirmed by Government under date 8th October 1790 and 17th June 1789, and that the cost of them is included in what Mr. Duncan calls the "settled expenses," and that the contingencies allowance was left to the Resident's discretion.

19. I proceed to note the circumstances under which this Agreement was made by Mr. Duncan with Raja Mahip Narain Singh and confirmed by the Government.

Idem No. 11, see para. 1.

20. From the correspondence extant in the Benares Collectorate it appears that the Governor-General under dated 3rd March 1794, expressed a desire to introduce into the Province of Benares the same system of administration as had been established by the Regulations of 1793, in Bengal and Behar, and desired Mr. Duncan to obtain the Raja's consent to the arrangement.

Index No. 11, see para 1.

21. 22nd July following.—Mr. Duncan replied that he had consulted the Raja and obtained his conditional assent to the measure.

Idem.

22. Thereupon an order in Council was issued, dated 19th September, expressing satisfaction, applauding the Raja and vesting Mr. Duncan with powers to frame Regulations on the basis of the Code of 1793, so far as its provisions were applicable to the circumstances of the Province of Benares.

Index C, No. 12

23. 13th October.—Mr. Duncan reported that he hoped to be able to conclude an arrangement with the Raja whereby he should receive a *malikana* of one lakh of rupees annually from the surplus which would remain after defraying all the usual charges disbursed from the Mulki Treasury. He calculated that after all expenses the surplus would be Rs. 1,40,000 at least, and proposed that the Raja should receive a lakh, and 40,000 be laid out in bridges and improvements.

Idem No. 13.

24. 20th October.—The Governor-General approved this proposition, and requested that the Agreement should be concluded.

Idem Nos. 14 and 15.

25. 27th *Idem*.—Mr. Duncan transmitted the revised Agreement original and translation the latter of which is extant in his own handwriting, with a letter explaining the modifications made in the former proposition and the Raja's ready and entire acquiescence.

Idem No. 16.

26. In a subsequent letter, dated 17th November 1794, Mr. Duncan acknowledges the receipt of the Secretary's letter, 7th *idem*, "conveying the Governor-General in Council's" approbation to the Agreement concluded with the Raja, and proposes with the consent of the Raja to devote a portion of the surplus which remained after payment of all charges in the Mulki Treasury for the two last years, to the construction of a bridge over the Burna.

27. Most of the documents which support this statement of facts have come under my notice only in the last few days. It appears that when Mr. Duncan's loose records were sent to the Commissioner Office for arrangement (in 1850) those in the press under the charge of the Registrar of Records, and office abolished many years ago, remained in the receptacle which they have occupied unnoticed and unknown.

28. Of the authenticity of the Agreement, dated 27th October 1794, of course no question can be entertained. It is matter of history, and has been recognised by successive Acts of the Legislature. But it is desirable to have no doubt of Mr. Duncan's construction of the document. The permanence of the several articles is provided for in terms that can admit but of one construction. It is significant that Mr. Duncan (Index C, No. 15) has altered the word "upheld" to "continued," and his last official act, nearly a year after the Agreement, was to pass and obtain sanction of Government to the same charge for settled expenses and contingencies at his discretion as had been incurred and passed prior to the Agreement.

Idem Nos. 6, 9, 10, No. 6, account, No. 9, letter with it No. 10, Government Order.

29. I think it, therefore, right and just to modify the recommendation contained in paragraph 34 of my letter, dated 31st October, 1850, to disallow my sum for stationery or contingencies, as not mentioned in the Agreement. The implication is undeniable, and the fair mode of adjustment is to take the status of 1794. The amount then, and for years previous, fractions omitted, had been—

	Rs.			
Mulki Treasurer	1,200
Daftar	13,128
Contingencies	528
Total	14,856

30. I recommend this amount to be consolidated and paid from the Benares Treasury from the 1st January 1854 in a separate bill to be styled "Allowance to the Raja of Benares under the second article of the Agreement, dated 27th October, 1794," the bill having the Commissioner's counter-signature, as is usual in the case of separate allowances.

31. The Raja at present receives, by virtue of the Board of Revenue, unauthorised allowance of Rs. 816-2-0 and improper modification of the Mulki Treasurer's allowance as follows per annum—

	Rs. a. p.		
Mulki Treasurer	924 0 0
Daftar	13,128 0 0
Stationery	816 2 0
Total	14,868 2 0

The excess payment of Rs. 12-2-0 should cease."

32. The allowance should be excluded from the official abstract of the Benares Collectorate, its incorporation with which explains the reference again and again of this question to Government with successive changes in the office of Accountant or Auditor.

33. This recommendation, I should observe, is in accordance with the principle declared in paragraph 17 of the orders of Government under consideration. The Raja of Benares waives the exercise of a privilege conceded by existing and unrepealed law, which by present rules and practice of revenue administration has become a mere compliment, and the Government in lieu of this concession pays the allowance for his establishment in literal adherence to the Agreement of 1794.

34. I have now only to consider the subject referred to in paragraph 16 of those orders, the anomaly of the Raja of Benares by means of his establishment "exercising a kind of espionage over the proceedings of the Collector's."

35. The only warrant for this proceeding is paragraph 38 of Mr. Duncan's report, dated 2nd October, 1789, in which he observes "that he has allowed the Raja's officers to keep copies of the papers and accounts that are daily preparing," and paragraph 4 of the order in Council, 19th September 1794. "You will likewise acquaint the Raja that his signature to pattas and farghhttis shall remain current as before, and that his officers will be allowed to keep counterparts of all accounts."

36. I think it quite evident that the present anomaly of the Raja's officers compiling (they take copies of parwanas and rubkars in all cases and of other papers *ad libitum*) a duplicate record not only of accounts but other papers is owing to the constant reference to this question, and to the Collector's natural desire to make use of an auxiliary establishment. The Raja has no desire to keep up this duplicate record; the work is done to prevent any argument of discontinuing an allowance, of which suspicions are entertained and expressed.

37. The Collectors, when they report of this establishment of the Rajas, write like persons aggrieved that it is not at their disposal, forgetting that the Raja by his position of necessity must keep up a very large establishment. In the Family Domains the Raja holds Kutchery, has a large staff, and exercises the powers of a Collector. It must also be remembered that since additional establishment in the shape of a Superintendent and officers under Regulation VII 1828, has become necessary for the management of these Domains, the Raja has to pay Rs. 7,500 as a moiety of the expense.

38. The determination of the first question as to the fixity of allowance will dispose of the other. If the Government guarantees the one, the Raja will relinquish the other. It is neither proper, nor desirable that the present anomalous state of thing should be continued. The Raja can only claim copies of accounts, not of all other records, as at present. In this I recommend as in the other adherence to the status of 1794. The only privilege that the Raja can claim beyond those allowed to the public under the Board's Circular orders, 25th February, 1848, is that of taking copies of accounts, but of accounts only, and this should be allowed without payment of fees.

39. The summary of the whole matter may be given in two articles:—

I.—The Raja of Benares dispenses with his privilege of seal and signature to official documents in the Province of Benares, but will continue to receive the allowance for establishments as it stood under the 2nd article of the Agreement, dated 27th October, 1794, Rs. 14,856 per annum.

II.—The Raja of Benares retains the privilege of taking copies of accounts in the several Collectorates of the Province of Benares, without payment of fees, in accordance with paragraph 4 of the order on Council, 19th September 1794, provided that this privilege cannot interfere with the stamp laws and rules, now or hereafter.

BENARES :	}	(Sd.) E. A. READE,
13th December 1863.	}	Officiating Junior Member.

(XIX.)

(I)

No. 583 OF 1854.

From

G. J. CHRISTIAN, Esq.,
Secretary to Sudder Board of Revenue, N. W. I.

To

W. MUIR, Esq.,
Secretary to Government, N.-W. P., Agra.

Dated Agra, the 4th August 1854.

SIR,

The Sudder Board of Revenue solicit the consideration of His Honour the Lieutenant-Governor to the point raised in the accompanying correspondence, as to the designation to be given in the Collector's records to the sum of one lakh of rupees drawn annually by the Raja of Benares from the surplus collections of the Benares Province.

2. This allowance to the Raja of Benares is the first article in the agreement, dated 27th October 1794 between Mr. Duncan and Raja Mahip Narain Singh.

3. The correspondence extant in the Benares Collectorate was submitted with my letter No. 619, dated 23rd December last, on the subject of other allowances.

(Treasurer and Daftar) the question regarding which was disposed of by orders of Government No. 312, dated 20th January last, but copies not having been retained, the papers have been recalled from Benares, and are herewith enclosed. The original translation of the agreement is in Mr. Duncan's handwriting.

4. Prior to this agreement the surplus collections from the Province
N.B.—Exclusive of the Resident's salary and other charges borne by Government. after deducting the stipulated revenue of forty lakhs and cost of civil administration had been paid over to the Raja.

5. The introduction of the system of administration of the Lower Provinces into that of Benares was desired by Government, and the agreement contains the stipulations upon which the concurrence of the Raja was obtained.

6. Mr. Duncan calculated with certainty on a net surplus of Rs. 1,40,000, In 1794-95 the surplus proved to be Rs. 1,75,000. anticipating an excess above that sum in time, and therefore proposed a final arrangement, by which the administration conducted in the name, and by the officers of the Raja, under the control of the Resident, would hereafter be entrusted to British officers, the Raja in lieu of his acquiescence to the measure receiving annually a lakh of rupees and the fixed allowances of certain establishments and retaining certain privileges in those parts of the Provinces* which are called his Family Domains.

* Regulation XV, 1795.
Regulation VII, 1828.

7. The arrangement was evidently intended to be final, and any modification (evidently not anticipated) could only with reason have been claimed on the contingency of the net surplus revenue falling short of the annual estimate. The accompanying approximate memorandum, compiled from last Revenue Administration Report and the Civil Auditor's tables, of the article of customs revenue, which it would not be easy to state solely with reference to the Province of Benares, is sufficient to show the improbability of any such contingency.

8. The Benares pensions and allowances were viewed by the Collector in 1837, and the expression "Unknown" to which objection has been made was probably inserted to save the compiler the trouble of a reference to old correspondence. The allowances has been always paid by an order from the Agent to the Governor-General and is No. 1 in the Register of Political Pensions in that office.

9. The Board suggest that the terms used by Mr. Duncan in the agreement "in time to come" be substituted for "Unknown."

SUDDER BOARD OF REVENUE,
N.-W. P., AGRA:
The 4th August 1854.

I have, etc.,
(Sd.) G. J. CHRISTIAN,
Secretary.

II.

Approximate Memorandum.

Income (Customs omitted) and charges, Province of Benares, 1853-54.

District.	INCOME.				
	Land Revenue.	Abkari.	Stamp.	Miscellaneous sayee, store, mahal.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.
Jaunpur ...	12,54,308	69,251	40,485	..	...
Mirzapur ..	8,39,797	1,19,268	39,872	12,000	...
Benares ...	9,03,652	1,50,281	74,818	..	...
Ghazipur ...	15,01,763	1,18,119	74,516	...	...
Azamgarh ...	1,62,838	...	...	..	...
Total ...	46,62,338	4,56,919	2,29,691	12,000	53,60,968

District.	CHARGES.					
	Cost of Judicial establishment.	Cost of Magistrates and Collectors.	Commissioners.	Pensions.	Miscellaneous.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Jaunpur ...	52,356	1,15,320	35,462	2,111	30,000	...
Mirzapur ...	54,036	1,30,476		3,808		
Benares ...	54,618	1,66,676		47,469		
Ghazipur ...	58,200	1,48,200		2,555		
Total ...	2,19,210	5,60,972	35,462	55,943	30,000	9,01,587

Stipulated revenue	..	...	Rs. 40,00,000
		Total	Rs. 49,01,587
Net surplus	...	...	Rs. 4,59,381

SUDDER BOARD OF REVENUE,
N.-W. P., AGRA:
The 4th August 1854.

(Sd.) G. J. CHRISTIAN,
Secretary.

(XX)

FROM

WILLIAM MUIR, Esq.,

Secretary to Government, N.-W. Provinces.

To

G. J. CHRISTIAN, Esq.,

*Secretary to Sudder Board of Revenue, N.-W. Provinces.**Dated Headquarters, the 2nd August 1854.*

SIR,

I am directed to acknowledge the receipt of your letter, dated 4th instant, No. 583, with enclosures, regarding the designation to be given in the Collector's records to the sum of one lakh of rupees drawn annually by the Rajagi of Benares from the surplus collections of the Benares Province.

2nd.—In reply I am desirous to observe that the most distinct and exact entry of the item in the Collector's Register of Pension would be "In perpetuity out of the surplus revenue according to Article I of the Agreement of October 27th, 1791."

3rd.—These terms while strictly accurate, limiting the responsibility of the British Government in the event (heavily to be looked to as at all a possible one) of a failure of surplus revenue, such as was contemplated by the Agreement, will at the same time, it is apprehended, be the most clear and acceptable to the Raja.

4th.—The Board are therefore requested to give instructions for entry, as above expressed, being made in the Pension Register.

I have, etc.,

(Sd.) W. MUIR,

HEADQUARTERS:

The 22nd August 1854

Secretary to Government, N.-W. Provinces.

